

**FIFTY-FIRST DAY**

(Monday, April 20, 1959)

The Senate met at 10:30 o'clock a.m., pursuant to adjournment, and was called to order by the President.

The roll was called and the following Senators were present:

Aikin	Martin
Baker	Moffett
Bradshaw	Moore
Colson	Owen
Crump	Parkhouse
Dies	Phillips
Fuller	Ratliff
Gonzalez	Reagan
Hardeman	Roberts
Hazlewood	Rogers
Herring	Secrest
Hudson	Smith
Kazen	Weinert
Krueger	Willis
Lane	Wood

Absent—Excused

Fly

A quorum was announced present.

Reverend W. H. Townsend, Chaplain, offered the invocation as follows:

"We thank Thee, our Father, that through the long changing years, Thou are the same yesterday, today, and forever. Forgive us that we change so often, and give us vision, courage, and strength to meet these times. Make us keenly aware that except the Lord build the house, they labor in vain who built it. For Christ's sake. Amen."

On motion of Senator Aikin, and by unanimous consent, the reading of the Journal of the proceedings of Thursday, April 16, 1959, was dispensed with and the Journal was approved.

**Leave of Absence**

Senator Fly was granted leave of absence for today on account of important business on motion of Senator Hardeman.

**Report of Standing Committee**

Senator Krueger submitted the following report:

Austin, Texas,  
April 20, 1959.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Game and Fish, to whom was referred H. B. No. 918, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

KRUEGER, Chairman.

**House Bill 918 Ordered Not Printed**

On motion of Senator Martin and by unanimous consent H. B. No. 918 was ordered not printed.

**Senate Bill 457 on First Reading**

Senator Bradshaw moved that Senate Rule 114 and Section 5 of Article III of the State Constitution be suspended to permit his introducing at this time, a bill, the provisions of which he explained.

The motion prevailed by the following vote:

Yeas—28

Aikin	Martin
Baker	Moffett
Bradshaw	Moore
Crump	Owen
Dies	Parkhouse
Fuller	Phillips
Gonzalez	Ratliff
Hardeman	Reagan
Hazlewood	Roberts
Herring	Rogers
Hudson	Smith
Kazen	Weinert
Krueger	Willis
Lane	Wood

Nays—1

Colson

Absent

Secrest

Absent—Excused

Fly

The following bill was then introduced, read first time and referred to the committee indicated:

Senator Bradshaw:

S. B. No. 457, A bill to be entitled

"An Act to amend Section 8 of Chapter 149, Acts of the 54th Legislature, Regular Session, 1955, (codified as Section 8 of Article 2891b of Vernon's Texas Civil Statutes), by adding thereto a new section to be known as Section 8a providing that Temporary High School teacher's certificates, entitling the holders thereof to teach in high schools and junior high schools of this State shall be issued to applicants who hold bachelor's degrees from accredited four-year institutions of higher education in this State, or in any other State of the United States; providing that completion of teacher education courses shall not be made a requisite to the issuance of such certificates, providing a means by which holders of Temporary High School teacher's certificates may acquire Provisional Teaching certificates; repealing all laws and parts of laws in conflict; and declaring an emergency."

To the Committee on Education.

#### Senate Resolution 377

Senator Aikin offered the following resolution:

Whereas, We are honored today to have as visitors in the Senate Mr. W. A. Welch accompanied by his son, W. W. Welch; and

Whereas, We desire to welcome these distinguished visitors to the Capitol Building and Capital City; now, therefore, be it

Resolved, That their presence be recognized by the Senate of Texas and that they be extended the official welcome of the Senate and the privileges of the floor for today.

The resolution was read and was adopted.

#### Senate Resolution 378

Senator Krueger offered the following resolution:

Whereas, We are honored today to have in the gallery of the Senate, the members of Sigma Tau Sigma, National Social Science Fraternity, of Wharton County Junior College, Wharton, accompanied by their sponsors, Clifton W. Matthys and Frank Prochaska; and

Whereas, These students are on an educational tour of the Capitol Building and the Capital City; and

Whereas, This fine group of young American citizens is here to observe and to learn at firsthand the workings of their State government; now, therefore, be it

Resolved, That we officially recognize and welcome these guests and commend them for their interest; and that a copy of this resolution, properly endorsed, bearing the official seal of the Senate, be mailed to them in recognition of their visit.

The resolution was read and was adopted.

Senator Krueger by unanimous consent presented the students and their sponsors to the Members of the Senate.

#### Senate Resolution 379

Senator Kazen offered the following resolution:

Whereas, On September 2, 1958, a United States Air Force transport plane was attacked and shot down by Soviet fighter planes while in performance of a routine mission; and

Whereas, This unarmed plane, carrying seventeen crew members, among whom were Lt. Ricardo M. Villarreal of Laredo, Texas, and Lt. John E. Simpson of Austin, Texas, was attacked in a warlike manner without provocation, such attack taking the lives of at least six crew members and causing an unknown fate to befall the remaining eleven crew members; and

Whereas, This warlike action on the part of Soviet fighter planes has shocked and horrified all lovers of freedom and those who desire peace and respect humanity; and

Whereas, The Soviet Government has hypocritically denied this heinous action by its fighter planes and has refused to offer any apology or make any attempt at retribution or offer of compensation; and

Whereas, The United States Department of State has been unduly cautious in demanding information from the Soviet Government as to the fate of the above-mentioned eleven crew members and more details of the whole incident and has failed to take any positive action to demand redress from the Soviet Government; and

Whereas, The United States Department of State has in its possession tape recordings of the Soviet fighter pilots' conversation while mak-

ing this unprovoked attack, yet belatedly released this information, thereby giving the Soviet Government ample opportunity to denounce these recordings as false; and

Whereas, The United State Government, having all this information, welcomed and entertained one Anastas I. Mikoyan, who at present holds the position of Deputy Premier in the Soviet Union, and while in this country the said Mikoyan falsely denied any knowledge of said incident; therefore, be it

Resolved, By the Senate of Texas that we condemn the Soviet Government for its warlike act in time of peace, and admonish the United States Department of State for not taking more positive, forceful action to determine the fate of these aforementioned United States Air Force personnel and failing to take a firmer stand against the Soviet Government for committing this unprovoked attack that has shocked the conscience of the free world; and be it further

Resolved, That copies of this Senate Resolution be sent to the President of the United States, United States Senators Lyndon B. Johnson and Ralph Yarborough and the United States Department of State and to the Secretary of the Air Force as evidence of the indignation of the Senate of Texas.

KAZEN  
HERRING

Signed—Ben Ramsey, Lieutenant Governor; Aikin, Baker, Bradshaw, Colson, Crump, Dies, Fly, Fuller, Gonzalez, Hardeman, Hazlewood, Hudson, Krueger, Lane, Martin, Moffett, Moore, Owen, Parkhouse, Phillips, Ratliff, Reagan, Roberts, Rogers, Secrest, Smith, Weinert, Willis, Wood.

The resolution was read.

On motion of Senator Hardeman and by unanimous consent the names of the Lieutenant Governor and the Senators were added to the resolution as signers thereof.

The resolution was then adopted.

#### Senate Resolution 381

Senator Lane offered the following resolution:

Whereas, The Senate is honored today to have as guests Mrs. Geneva Hardeman, and Mark and Bryan Hardeman, the charming wife and

two fine sons of our distinguished colleague, the Senator from Tom Green County; and

Whereas, We wish to welcome these outstanding citizens of the sun-kissed plains of West Texas; now, therefore, be it

Resolved, That the Senate extend to them cordial greetings on their visit and that they be extended the privileges of the floor for the day.

The resolution was read and was adopted.

Senator Lane by unanimous consent presented Mrs. Hardeman and Mark and Bryan to the Members of the Senate.

#### Senate Concurrent Resolution 52 on First Reading

Senator Herring moved that Senate Rule 114 and Section 5 of Article III of the State Constitution be suspended to permit his introducing at this time, a resolution, the provisions of which he explained.

The motion prevailed by the following vote:

Yeas—30

Aikin	Martin
Baker	Moffett
Bradshaw	Moore
Colson	Owen
Crump	Parkhouse
Dies	Phillips
Fuller	Ratliff
Gonzalez	Reagan
Hardeman	Roberts
Hazlewood	Rogers
Herring	Secrest
Hudson	Smith
Kazen	Weinert
Krueger	Willis
Lane	Wood

Absent—Excused

Fly

The following resolution was then introduced, read first time and referred to the committee indicated:

By Senator Herring:

S. C. R. No. 52, Granting H. S. Wernli and wife, Ruth Wernli permission to sue the State of Texas.

Whereas, H. S. Wernli and wife, Ruth Wernli, are residents of Williamson County, Texas, and are the

owners of approximately 183½ acres of real property, lying and being situated in the County of Williamson, State of Texas, and more fully described as follows:

All of that certain tract or parcel of land, lying and being situated in the County of Williamson, State of Texas, and described as follows:

Being part of the Jefferson West Survey and a part of a certain tract of 400 acres of land, more or less, out of said Jefferson West Survey, that was conveyed by said Jefferson West to John McBarclay (commonly known as John Barkley), Administrator of the Estate of Mathias Prewitt, by deed dated December 6, 1852, recorded in Vol. 4, page 191, Deed Records of said county, the tract herein conveyed being described by metes and bounds as follows:

Beginning in the channel of Dry Brushy Creek where the center of said channel is intersected by the W. line of said 400 acre tract;

Thence S. 19° E. 1238 vrs. to the N.W. corner of a tract of 100 acres of land, which was conveyed by said M. D. Arledge and wife to O. H. P. McGinnis and J. I. McGinnis, by deed dated November 29, 1879, and recorded in Vol. 23, page 155, of the Deed Records of said County;

Thence N. 70½° E. with the N. line of said McGinnis tract as marked by the wire fence as it now stands, 726 vrs. to the N.E. corner of said McGinnis tract for the S.E. corner of this tract;

Thence N. 18½° W. with the fence as it stands at 1500 vrs. the end of said fence on the Dry Brushy Creek, continuing on 1585 vrs. to the center of hereof;

Thence up the center of the channel of Dry Brushy Creek with its meanders, about 1320 vrs. to the place of beginning, containing 183½ acres of land, more or less, exclusive of roads, and being the same land that was conveyed to A. Alexander by D. B. Goldstein and wife by deed dated January 7, 1910, and recorded in Book 138, page 156, Deed Records of Williamson County, Texas;

Whereas, Emilie Windmeyer, et al., by General Warranty Deed, conveyed certain lands to the Veterans Land Board of the State of Texas by General Warranty Deed dated October 10, 1954, said deed being recorded in Vol. 400, page 574, of the Deed Records of Williamson County, Texas,

and the said Veterans Land Board of the State of Texas thereafter acting by and through the Commissioner of the General Land Office of the State of Texas, entered into a contract with Melvin A. Leschber, veteran purchaser, whereby the State of Texas contracted to convey to the said Melvin A. Leschber the said lands upon the payment of a certain sum of money by the said Melvin A. Leschber, said contract being dated October 11, 1954, and being recorded in Vol. 400, page 578, Deed Records of Williamson County, Texas, said land being described as follows, to-wit:

All that certain tract or parcel of land out of the Jefferson West Survey in Williamson County, Texas, and also being a description, as it has been held and used on the ground since 1906, of that certain tract described as containing 54 acres in a deed from August Windmeyer and wife, to C. H. Windmeyer, which deed is dated November 3, 1906, and is recorded in Vol. 121, page 181, Deed Records of Williamson County, Texas:

Beginning in the North line of said Jefferson West Survey, S. 71 deg. 30' W., and 396.5 vrs. distant from the N.E. corner of same, a cedar fence corner post for the N.E. corner hereof;

Thence S. 71 deg. 30' W. 330.6 vrs. to another corner post for the N.W. corner hereof;

Thence along the East margin of a public road, S. 19 deg. 15' E. 1066.3 vrs. to a point in the center of Dry Brushy Creek;

Thence down the center of said dry branch as follows: S. 83 deg. 45' E. 24.0 vrs.; S. 57 deg. E. 19.0 vrs.; S. 35 deg. E. 27.2 vrs.; S. 84 deg. E. 30.0 vrs. N. 26 deg. 30' E. 29.2 vrs.; N. 12 deg. W. 88.0 vrs.; North 19 deg. 30' E. 43.8 vrs.; N. 32 deg. 15' W. 21.6 vrs.; and N. 42 deg. E. 16.7 vrs. to a point on the South bank of the aforementioned dry branch;

Thence with a wire fence along the South bank of said branch, N. 48 deg. 30' E. 25.0 vrs.; N. 80 deg. E. 25.0 vrs.; and S. 83 deg. E. 54.0 vrs. to a point in the center of the aforementioned dry branch;

Thence again with the center of said branch, S. 86 deg. E. 28.0 vrs.; S. 78 deg. E. 17.2 vrs.; N. 32 deg. 30' E. 31.3 vrs.; N. 39 deg. E. 28.0 vrs.; and N. 2 deg. 30' E. 31.0 vrs. to a point in the center of the aforesaid

Dry Brushy Creek for the S.E. corner hereof;

Thence N. 19 deg. 26' W. 930.8 vrs. to the place of beginning, and containing 56.70 acres of land; and

Whereas, the said H. S. Wernli and wife, Ruth Wernli, allege that approximately three acres of land owned by them was included in the property description contained in the deed from Emilie Windmeyer et al., to the Veterans Land Board of the State of Texas, in the above described deed, and said three acres of land was also included in the property description contained in the contract between the Veterans Land Board of the State of Texas and Melvin A. Leschber, and that the Veterans Land Board of the State of Texas, and the said Melvin A. Leschber, now claim ownership of said three acres of land; and

Whereas, the said H. S. Wernli and wife, Ruth Wernli, desire to institute suit against the State of Texas, and the Veterans Land Board of the State of Texas, to recover the title to said three acres of land and to remove all clouds from their title to said land; and

Whereas, In order to accurately determine the ownership of said land, it is the policy of this Legislature to let a Court of competent jurisdiction pass upon the same; and

Whereas, It is the policy of the State of Texas to give and grant persons and groups the right to litigate any valid claims against the State of Texas in a Court of competent jurisdiction. Now, therefore, be it

Resolved, By the Senate of the State of Texas, the House of Representatives concurring, that H. S. Wernli and wife, Ruth Wernli, be and they are hereby granted permission to bring suit against the State of Texas in any court of competent jurisdiction of the State of Texas, within two years from the effective date of this resolution, to recover judgment against the State of Texas, for title to the lands described hereinabove owned by the said H. S. Wernli and wife, Ruth Wernli, and to remove all clouds from the title to their said land, and for such other and further relief as the Court may determine concerning the title of said land owned by the said H. S. Wernli and wife, Ruth Wernli. Nothing herein contained shall be construed as an admission against the State of Texas, and the facts upon which the Plain-

tiff may seek to recover must be proved as in any other case.

Service of citation for the purposes herein granted may be served upon the State of Texas by serving the Attorney General and the Commissioner of the General Land Office of the State of Texas.

The resolution was read and was referred to the Committee on Jurisprudence.

#### Senate Concurrent Resolution 53 on First Reading

Senator Herring moved that Senate Rule 114 and Section 5 of Article III of the State Constitution be suspended to permit his introducing at this time, a resolution, the provisions of which he explained.

The motion prevailed by the following vote:

#### Yeas—30

Aikin	Martin
Baker	Moffett
Bradshaw	Moore
Colson	Owen
Crump	Parkhouse
Dies	Phillips
Fuller	Ratliff
Gonzalez	Reagan
Hardeman	Roberts
Hazlewood	Rogers
Herring	Secrest
Hudson	Smith
Kazen	Weinert
Krueger	Willis
Lane	Wood

#### Absent—Excused

Fly

The following resolution was then introduced, read first time and referred to the committee indicated:

By Senator Herring:

S. C. R. No. 53, Granting Lee G. Williams permission to sue the State of Texas.

Whereas, The Texas Employment Commission adopted in 1940 a rule or regulation providing for a merit system of personnel administration for its employees; and

Whereas, Lee G. Williams alleges that he was discharged from his employment with said Commission in April of 1958 in a manner contrary to

and in disregard of the provisions of such rule or regulations; and

Whereas, The Honorable 53rd Judicial District Court of Travis County, in December of 1958, held that said Williams cannot bring suit against said Commission and its members without the consent of the Texas Legislature; now, therefore, be it

Resolved, by the Senate of the State of Texas, the House of Representatives concurring, That Lee G. Williams be, and he is hereby, granted permission to bring suit against the State of Texas and/or the Texas Employment Commission, jointly or severally, in any court of competent jurisdiction in Travis County, Texas, within two (2) years from the effective date of this resolution, to determine the validity of said discharge and to recover judgment. The sole purpose of this resolution is to grant permission to Lee G. Williams to bring suit against the State and said Commission, and no admission of liability of the State or said Commission or of any fact is made in any way by the passage of this resolution; and it is specifically provided that the facts upon which he seeks to recover judgment must be proved in court as in other civil cases. Service of citation may be had upon the Attorney General and the members of said Commission.

The resolution was read and was referred to the Committee on Jurisprudence.

#### Senate Resolution 382

Senator Gonzalez offered the following resolution:

Whereas, We are honored today to have as a visitor in the Senate Miss Adele Navarro, lineal descendant of Jose Antonio Navarro; and

Whereas, We desire to welcome this distinguished visitor to the Capitol Building and Capital City; now, therefore, be it

Resolved, That her presence be recognized by the Senate of Texas and that she be extended the official welcome of the Senate.

The resolution was read and was adopted.

Senator Gonzalez by unanimous consent presented Miss Navarro to the Members of the Senate.

#### Senate Resolution 383

Senator Aikin offered the following resolution:

Whereas, We are honored today to have as visitors in the Senate Mr. and Mrs. Quinton Miller and their three children, Judy, Jan and Frank; and

Whereas, We desire to welcome these distinguished visitors to the Capitol Building and the Capital City; now, therefore, be it

Resolved, That their presence be recognized by the Senate of Texas and that they be extended the official welcome of the Senate.

The resolution was read and was adopted.

Senator Aikin by unanimous consent presented the guests to the Members of the Senate.

#### Senate Resolution 384

Senator Rogers offered the following resolution:

Whereas, We are honored today to have as visitors in the Senate Hon. Luther Gribble, District Judge, Mr. and Mrs. James Richardson and their daughters, Karen and Linda, all of Wellington, Texas; and

Whereas, We desire to welcome these distinguished visitors to the Capitol Building and Capital City; now, therefore, be it

Resolved, That their presence be recognized by the Senate of Texas and that they be extended the official welcome of the Senate and be granted the privileges of the floor for the day.

The resolution was read and was adopted.

Senator Rogers by unanimous consent presented the guests to the Members of the Senate.

#### Senate Resolution 385

Senator Dies offered the following resolution:

Whereas, The Federal Housing Administration and the Veterans Administration since its inception, has exercised a constructive influence in providing reasonable standards under its mortgage insurance system for the protection of the home owner, the

financing agency and the government; and

Whereas, Lumber is the most widely used construction material in America's home building program, but because of the technicalities of lumber grading, this product is often improperly used due to substitutions of lower grades, and of qualities unsuitable for satisfactory use; and

Whereas, The lumber industry of the State of Texas always has been, and always will be, an important element in the economy of the State and contributes materially to the welfare of its people through employment, wages, and taxes paid, school support; and

Whereas, The newly adopted standards of the Federal Housing Administration and the Veterans Administration recognize the importance of seasoning for framing lumber, as well as the need for grade certification to assure delivery and use of proper qualities; now, therefore, be it

Resolved by the Senate of the State of Texas, assembled in regular session, formally record its wholehearted endorsement of the part played by the Federal Housing Administration and the Veterans Administration in fostering sound construction practices for the benefit of the home owner, and requests that the Federal Housing Administration and Veterans Administration take such steps as may be necessary to require that all lumber used in Federal Housing Administration and Veterans Administration financed construction in the State of Texas conform to the seasoning requirements of the new Federal Housing Administration and Veterans Administration minimum standards.

The resolution was read.

On motion of Senator Dies and by unanimous consent the resolution was considered immediately and was adopted.

#### Senate Resolution 386

Senator Ratliff offered the following resolution:

Whereas, We are honored today to have with us, Mark and Bryan Hardeman, sons of Senator and Mrs. Dorsey Hardeman; and

Whereas, We desire to utilize the services of these fine young citizens; now, therefore be it

Resolved, That these two young men be appointed Honorary Pages of the Senate.

The resolution was read and was adopted.

#### Senate Resolution 387

Senator Krueger offered the following resolution:

Whereas, We are honored today to have as visitors in the Senate Mrs. Ruth Lemming, Miss Jean Lemming, John Risher, Glenn Hill, and David Jarrell; and

Whereas, We desire to welcome these distinguished visitors to the Capitol Building and Capital City; now, therefore, be it

Resolved, That their presence be recognized by the Senate of Texas and that they be extended the official welcome of the Senate and be extended the privilege of the floor for the day.

The resolution was read and was adopted.

Senator Krueger by unanimous consent presented the guests to the Members of the Senate.

#### Senate Resolution 388

Senator Baker offered the following resolution:

Whereas, We are honored today to have in the gallery of the Senate, the Junior and Senior Class of St. Pius X High School of Houston, Harris County, Texas, accompanied by their teachers, Sister Edward Marie and Sister Laetitia; and

Whereas, These students of today are the citizens, leaders, and statesmen of tomorrow, who, with the acceptance of democracy's heritage, must carry on the responsibilities of self-government; and

Whereas, It is highly commendable that these young people are demonstrating, by their visit in the Senate, an interest in the processes of their state government; now, therefore, be it

Resolved, That we extend to these students a cordial welcome; and that a copy of this resolution, bearing the official seal of the Senate, be sent to them in appreciation of their visit.

The resolution was read and was adopted.

Senator Baker by unanimous consent presented the students and teachers to the Members of the Senate.

#### Message from the House

Hall of the House of Representatives  
Austin, Texas,  
April 20, 1959.

Hon. Ben Ramsey, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

S. B. No. 276, A bill to be entitled "An Act creating the Lavaca County Flood Control District No. 3 in Lavaca County, Texas; defining its powers; providing for confirmation of the District; providing for a governing body of the District: its membership, qualifications for membership, manner of conducting business, meetings and compensation of members; providing that the District shall succeed to all properties, moneys (excluding monies on hand), and obligations of certain flood control districts; granting power of eminent domain and prescribing the manner of its exercise; authorizing the District to levy a tax and providing for an election to authorize the tax; for the collection of taxes; providing for the filing thereon, and election therefor; limiting the tax rate in support of bonds voted; providing for the issuance of bonds and the issuance, registration, approval and sale thereof; providing a severability clause, validating the creation of certain flood control districts and acts done by them and on their behalf; repealing all laws and parts of laws in conflict with this Act; and declaring an emergency."

(With amendment.)

S. B. No. 109, A bill to be entitled "An Act amending subparagraph (a) of paragraph (1) of Section 1, Article 3.50, subchapter E, of Senate Bill No. 236, Chapter 491, Acts of the Fifty-second Legislature, Regular Session, 1951, as amended by House Bill 123, Chapter 146, Acts of the Fifty-fourth Legislature, Regular Session, 1955, so as to provide that the limitations thereof as to amounts of insurance on any employee shall not apply to amounts of insurance issued on other

than the term plan in connection with a pension plan which amounts do not exceed the amounts required at normal retirement date to provide the pension specified by the plan."

S. B. No. 160, A bill to be entitled "An Act authorizing the Commissioners Court of Travis County, Texas to pay the District Judges of the 53rd Judicial District, 98th Judicial District, 126th Judicial District, and the Criminal District Court of Travis County, respectively, compensation in addition to the compensation paid by the State of Texas; making other provisions relating thereto; making provision for compensation of Judges assigned to sit for the Judges of said courts; providing for severability; and declaring an emergency."

Motion to suspend all necessary rules for unanimous consent to make following motion, prevailed:

The House refused to concur in Senate amendments to House Bill No. 47 and has requested the appointment of a Conference Committee to consider the differences between the two Houses.

The House has concurred in Senate amendments to House Bill No. 144 by non-record vote.

S. B. No. 134, A bill to be entitled "An Act amending subsection 5 (b) of Section 10, Senate Bill 290, Chapter 530, Acts 54th Legislature (Coded as Article 2922-1 of Vernon's Annotated Civil Statutes of Texas) to provide a Three (\$3.00) Dollar annual membership fee for each member of the Teacher Retirement System, providing a severability clause, and declaring an emergency."

S. B. No. 150, A bill to be entitled "An Act authorizing the Texas National Guard Armory Board to donate, transfer, and convey certain plots of land situated in Randall County to the State of Texas for the use and benefit of West Texas State College.

S. B. No. 178, A bill to be entitled "An Act providing that in all counties having a population of 350,000 inhabitants or more according to the last preceding Federal census, a biennial audit shall be made of all county books, records, and accounts of district, county and precinct officials,



agents, or employees including all governmental units of the county, hospitals, farms, and other institutions of the county and all matters pertaining to the fiscal affairs of the county; providing for the method of contracting for the biennial audit report and payment therefor; providing that annual independent audits may be made in lieu of biennial audits; providing that this audit shall be in addition to the audit reports of the regular county auditors or other special audit reports that are made pursuant to Articles 1638, 1641, and 1641c of Vernon's Civil Statutes; providing that the first audit shall be made in 1960 and completed prior to December 31, 1960; and a biennial audit shall be made every two years thereafter on the even numbered years and completed not later than December 31 of such year; providing for a repealing clause; and declaring an emergency."

(With amendment.)

S. B. No. 248, A bill to be entitled "An Act to amend Article 2.08 of Chapter 2, of the Insurance Code (Acts of the 1951, 52nd Legislature, as amended by the Acts of the 1955, 54th Legislature, page 413, Chapter 117, Section 9) to provide that items of capital stock and minimum surplus shall consist only of cash, bonds of this state or of the United States or guaranteed as to principal and interest by the United States, insured first mortgages or unencumbered real estate in this state, provided that investment of such notes shall not exceed one-half ( $\frac{1}{2}$ ) of the capital stock and minimum surplus of the investing company, and in evidence of indebtedness of any county, city or other municipality of this state; repealing conflicting laws and parts of laws to the extent of such conflict; containing a savings clause; and declaring an emergency."

(With amendment.)

S. B. No. 329, A bill to be entitled "An Act repealing Sec. 4A of Chapter 255, Acts of the 42nd Legislature, 1931 (compiled as Art. 2615b of Vernon's Texas Civil Statutes), relating to the organization and establishment of a Nautical School; and declaring an emergency."

S. B. No. 197, A bill to be entitled "An Act amending subsection (d) of Section 45, Article I, Chapter 467,

Acts of the Second Called Session of the 44th Legislature, added by Section 43, Chapter 448, Acts of the Regular Session of the 45th Legislature, as amended by Section 16, Chapter 325, Acts of the Regular Session of the 48th Legislature, providing for refunds under certain conditions of liquor tax previously paid; and amending Article II, Texas Liquor Control Act, by adding thereto immediately following Section 23 a new section to be numbered 23-A; providing for the refund of tax paid on unsalable beer and the filing of a claim for such refunds; providing for a refund of tax paid on beer in excess of the legal amount due thereon and filing of a claim for such refund; making an appropriation for the payment of such refunds; providing a saving clause; and declaring an emergency."

(With amendment.)

S. B. No. 250, A bill to be entitled "An Act authorizing the Board of Trustees, of all school districts, under certain circumstances, to insure students training for or participating in interschool athletic competition for bodily injuries sustained by said students by reason thereof; providing for the payment of premiums for said insurance; providing that said insurance shall be written on forms approved by the Insurance Commission of Texas and declaring the costs of said insurance to be a legitimate part of the total costs of the athletic program of the school district of the state; and declaring an emergency."

S. B. No. 311, A bill to be entitled "An Act providing that printed copies of schedules, classifications and tariffs of rates, fares and charges, and supplements thereto, filed with the Interstate Commerce Commission or the Railroad Commission of Texas, may be received in evidence without certification and shall be presumed to be correct copies of the originals; prescribing conditions; and declaring an emergency."

S. B. No. 247, A bill to be entitled "An Act amending Article 21.43 of Chapter 21 of the Texas Insurance Code (Acts of the 1951, 52nd Legislature, Chapter 491) by retaining the present provisions thereof and adding thereto a paragraph providing that no foreign or alien insurance corporation shall be refused a license to do business within this State on the ground

that all of its authorized capital stock has not been fully subscribed and paid for; providing that the prescribed minimum capital stock shall have been subscribed and paid; providing that any such corporation shall have the required minimum surplus; providing for full compliance with certain laws of its domiciliary State; repealing all laws or parts of laws in conflict with this Act; providing a severability clause; and declaring an emergency."

S. B. No. 283, A bill to be entitled "An Act amending Section 1 of Chapter 36, Acts of the 51st Legislature, First Called Session, 1950 (compiled as Article 978n-1 of Vernon's Texas Penal Code), to bring the Counties of Hale, Floyd, Bailey and Lamb within the regulatory authority of the Game and Fish Commission; and declaring an emergency."

S. B. No. 291, A bill to be entitled "An Act authorizing Wichita County Water Control & Improvement District No. 1 to extend its boundaries to include the total area of a city or town when the total area of such city or town, or a portion thereof, is included within the boundaries of the district; providing for notice of hearing on the question of annexation; and declaring an emergency."

Respectfully submitted,

DOROTHY HALLMAN,  
Chief Clerk, House of Representatives

#### Senate Bill 458 on First Reading

Senator Hardeman moved that Senate Rule 114 and Section 5 of Article III of the State Constitution be suspended to permit his introducing at this time, a bill, the provisions of which he explained.

The motion prevailed by the following vote:

Yeas—30

Aikin	Hudson
Baker	Kazen
Bradshaw	Krueger
Colson	Lane
Crump	Martin
Dies	Moffett
Fuller	Moore
Gonzalez	Owen
Hardeman	Parkhouse
Hazlewood	Phillips
Herring	Ratliff

Reagan	Smith
Roberts	Weinert
Rogers	Willis
Secrest	Wood

Absent—Excused

Fly

The following bill was then introduced, read first time and referred to the committee indicated:

By Senators Hardeman, Lane, Weinert, Phillips, Smith, Roberts, Herring, Kazen, Krueger, Baker, Reagan, Moffett, Bradshaw, Wood, Hudson, Willis, Crump, Rogers, Owen, Dies, Aikin, Ratliff, Martin, Parkhouse, Fuller, Gonzalez, Colson, Secrest, Hazlewood, Fly and Moore:

S. B. No. 458, A bill to be entitled "An Act to amend Article 57, Ch. 492, Acts, 52nd Leg., R.S., 1951, the Election Code of the State of Texas, as amended, so as to provide that in instances where a person is nominated for President or Vice-President of the United States and also for an office requiring a state-wide vote for election, the name of such person may appear on the official ballot as a candidate for both such offices; repealing laws in conflict herewith; and declaring an emergency."

To the Committee on Privileges and Elections.

#### Senate Bill 126 With House Amendments

Senator Herring called S. B. No. 126 from the President's table for consideration of the House amendments to the bill.

The President laid the bill and House amendments before the Senate, and the House amendments were read.

Senator Herring moved that the Senate concur in the House amendments.

The motion prevailed by the following vote:

Yeas—29

Aikin	Fuller
Baker	Gonzalez
Bradshaw	Hazlewood
Colson	Herring
Crump	Hudson
Dies	Kazen

Krueger	Reagan
Lane	Roberts
Martin	Rogers
Moffett	Secrest
Moore	Smith
Owen	Weinert
Parkhouse	Willis
Phillips	Wood
Ratliff	

## Nays—1

Hardeman

## Absent—Excused

Fly

Senate Bill 166 With  
House Amendments

Senator Baker called S. B. No. 166 from the President's table for consideration of the House amendments to the bill.

The President laid the bill and House amendments before the Senate, and the House amendments were read.

Senator Baker moved that the Senate concur in the House amendments.

The motion prevailed by the following vote:

## Yeas—30

Aikin	Martin
Baker	Moffett
Bradshaw	Moore
Colson	Owen
Crump	Parkhouse
Dies	Phillips
Fuller	Ratliff
Gonzalez	Reagan
Hardeman	Roberts
Hazlewood	Rogers
Herring	Secrest
Hudson	Smith
Kazen	Weinert
Krueger	Willis
Lane	Wood

## Absent—Excused

Fly

Senate Bill 142 With  
House Amendments

Senator Herring called S. B. No. 142 from the President's table for consideration of the House amendments to the bill.

The President laid the bill and

House amendments before the Senate, and the House amendments were read.

Senator Herring moved that the Senate concur in the House amendments.

The motion prevailed.

Senate Bill 276 With  
House Amendments

Senator Krueger called S. B. No. 276 from the President's table for consideration of the House amendments to the bill.

The President laid the bill and House amendments before the Senate, and the House amendments were read.

Senator Krueger moved that the Senate concur in the House amendments.

The motion prevailed by the following vote:

## Yeas—30

Aikin	Martin
Baker	Moffett
Bradshaw	Moore
Colson	Owen
Crump	Parkhouse
Dies	Phillips
Fuller	Ratliff
Gonzalez	Reagan
Hardeman	Roberts
Hazlewood	Rogers
Herring	Secrest
Hudson	Smith
Kazen	Weinert
Krueger	Willis
Lane	Wood

## Absent—Excused

Fly

Conference Committee on  
House Bill 247

Senator Owen called from the President's table for consideration at this time, the request of the House for a Conference Committee to adjust the differences between the two Houses on H. B. No. 247 and moved that the request be granted.

The motion to grant the request prevailed.

Accordingly, the President announced the appointment of the following Conferees on the part of the Senate on the bill:

Senators Owen, Ratliff, Roberts, Moore and Wood.

(Senator Lane in the Chair.)

### Bills and Resolution Signed

The Presiding Officer announced the signing by the President in the presence of the Senate after the captions had been read, the following enrolled bills and resolution:

S. B. No. 139, A bill to be entitled "An Act to amend Section 21 of Chapter 290, of the 41st Legislature, 1929, codified as Section 21, Article 2815h in Vernon's Texas Civil Statutes authorizing an Independent School District or Districts, a Common School District or Districts, to be annexed to adjacent Junior College District for Junior College purposes only, severability clause, and declaring an emergency."

S. B. No. 159, A bill to be entitled "An Act conferring upon the Game and Fish Commission regulatory authority over wildlife resources in the counties of Archer, Baylor, Brazos, Comanche, Ellis, Grimes, Hamilton, Knox, Montgomery, Polk, Robertson, and Williamson; amending Section 1 of Chapter 125, Acts of the Fifty-second Legislature, 1951, as amended, so as to make that act applicable to such counties; repealing certain laws and fixing the effective date of the repeal; providing for severability; and declaring an emergency."

S. B. No. 203, A bill to be entitled "An Act relating to branch banking and limitations on connected office facilities; amending Article 3, Chapter IX of Chapter 97, Acts, 48th Legislature, 1943, which amended and replaced Revised Civil Statutes of Texas, 1925, Article 538 (and which is compiled as Texas Civil Statutes, Articles 342-903) (Vernon's 1948), as amended by Section 1, Chapter 220, Acts, 55th Legislature, 1957 (codified as Articles 342-903, Vernon's Texas Civil Statutes); and declaring an emergency."

S. B. No. 129, A bill to be entitled "An Act to provide that in all cases where two or more responsible bidders submit the lowest and best bids in connection with a proposed county, city, or district contract and these bids are identical in both amount and nature, the Commissioners Court of the county or the governing body of the city or district shall only enter into a contract with one of the re-

sponsible bidders and the one bidder shall be selected by casting of lots, and the casting of lots shall be in such a manner as shall be prescribed by the County Judge or Mayor or governing body of the district, as the case may be, and shall be conducted in the presence of the governing body of the county, city or district, at which time all qualified bidders or their legal representatives may also be present; etc.; and declaring an emergency."

S. B. No. 119, A bill to be entitled "An Act to amend Article 2757, Revised Civil Statutes of Texas, of 1925, as amended, lowering the population necessary to incorporate common school districts; and declaring an emergency."

S. B. No. 118, A bill to be entitled "An Act relating to liability to pay poll taxes; amending Section 41 of the Election Code of the State of Texas, compiled in Vernon's Revised Civil Statutes of Texas as Election Code Article 5.09; and declaring an emergency."

S. B. No. 116, A bill to be entitled "An Act relating to and fixing minimum and maximum salary of the Official Shorthand Reporter for the 47th Judicial District of Texas; with saving clause; and declaring an emergency."

S. C. R. No. 50, Relating to Muster Day by students and ex-students of Texas A. & M. College.

### Report of Standing Committee

Senator Hazlewood by unanimous consent submitted the following report:

Austin, Texas,  
April 20, 1959.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your committee on Privileges and Elections, to whom was referred S. B. No. 458, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

HAZLEWOOD, Chairman.

### Senate Resolution 389

Senator Parkhouse offered the following resolution:

Whereas, We are honored today to

have in the gallery the Junior and Senior Classes of the Carrollton High School from Carrollton, Texas, accompanied by their teacher Miss Weatherford, and Mrs. Sampson, Sponsor; and

Whereas, These students and guests are on an educational tour of the Capitol Building and the Capital City; and

Whereas, These fine young American citizens are here to observe and learn firsthand the workings of their State Government; now, therefore, be it

Resolved, That we officially recognize and welcome this class and commend them for their interest, and that a copy of this resolution, properly indorsed, bearing the official seal of the Senate, be mailed to them in recognition of their visit.

The resolution was read and was adopted.

Senator Parkhouse by unanimous consent presented the students, their teacher and sponsor to the Members of the Senate.

#### Senate Resolution 390

Senator Krueger offered the following resolution:

Whereas, We are honored today to have as a visitor in the Senate Julia K. Rutter; and

Whereas, We desire to welcome this distinguished visitor to the Capitol Building and Capital City; now, therefore, be it

Resolved, That her presence be recognized by the Senate of Texas and that she be extended the official welcome of the Senate and be allowed the privileges of the floor for the day.

The resolution was read and was adopted.

Senator Krueger by unanimous consent presented his sister, Mrs. Rutter, to the Members of the Senate.

#### Senate Resolution 391

Senator Hardeman offered the following resolution:

Whereas, Today is a highlight in the eventful life of our distinguished colleague, the Senator from Jones; and

Whereas, It is the desire of his colleagues to congratulate him on this

anniversary of his birth; now, therefore be it

Resolved by the Senate, That Honorable David Ratliff be and is hereby congratulated on this anniversary of his birth and extended the good wishes of his colleagues for his continued good health and success.

HARDEMAN

Signed—Ben Ramsey, Lieutenant Governor; Aikin, Baker, Bradshaw, Colson, Crump, Dies, Fly, Fuller, Gonzalez, Hazlewood, Herring, Hudson, Kazen, Krueger, Lane, Martin, Moffett, Moore, Owen, Parkhouse, Phillips, Ratliff, Reagan, Roberts, Rogers, Secrest, Smith, Weinert, Willis, Wood.

The resolution was read.

On motion of Senator Kazen and by unanimous consent the names of the Lieutenant Governor and the Senators were added to the resolution as signers thereof.

The resolution was then adopted.

#### Senate Resolution 392

Senator Gonzalez offered the following resolution:

Whereas, We are honored today to have in the gallery of the Senate the Government Class of Trinity University, San Antonio, Bexar County, accompanied by their teacher, Prof. R. Hunter; and

Whereas, These students are on an educational tour of the Capitol Building and the Capital City; and

Whereas, This fine group of young American citizens is here to observe and learn at firsthand the workings of their State government; now, therefore, be it

Resolved, That we officially recognize and welcome these guests and commend them for their interest; and that a copy of this Resolution, properly indorsed, bearing the official seal of the Senate, be mailed to them in recognition of their visit.

The resolution was read and was adopted.

Senator Gonzalez by unanimous consent presented the Students and Professor Hunter to the Members of the Senate.

#### Senate Bill 458 Ordered Not Printed

On motion of Senator Hardeman

and by unanimous consent S. B. No. 458 was ordered not printed.

(President in the Chair.)

**House Joint Resolution 6  
on Third Reading**

Senator Kazen moved to suspend the regular order of business and take up H. J. R. No. 6 for consideration on its third reading and final passage.

The motion prevailed by the following vote:

**Yeas—22**

Baker	Lane
Bradshaw	Moffett
Colson	Parkhouse
Crump	Phillips
Dies	Ratliff
Fuller	Reagan
Gonzalez	Rogers
Hardeman	Secrest
Hazlewood	Smith
Kazen	Weinert
Krueger	Wood

**Nays—8**

Aikin	Moore
Herring	Owen
Hudson	Roberts
Martin	Willis

**Absent—Excused**

Fly

The President laid before the Senate on its third reading and final passage:

H. J. R. No. 6, Proposing an Amendment to Section 11, Article XVI of the Constitution of the State of Texas, so as to give the Legislature authority to classify loans and lenders, license and regulate lenders, define interest, set maximum rates of interest, and provide for a maximum rate of interest of ten per centum (10%) per annum in the absence of legislation setting maximum rates of interest; providing for the necessary election and the form of the ballot; and providing for the necessary proclamation and publication.

The resolution was read the third time.

(Senator Lane in the Chair.)

Senator Owen offered the following amendment to the resolution:

Amend H. J. R. 6 by adding a new section to be known as Section 1a, to read as follows:

"Sec. 1a. Provided also that notwithstanding any other provision of the Constitution, the Legislature shall never grant to lenders regulated under this section the right of garnishment of any current wages of any employee in this State."

The amendment was read.

Question—Shall the amendment by Senator Owen to H. J. R. No. 6 be adopted.

**Recess**

On motion of Senator Hardeman the Senate at 12:02 o'clock p.m. took recess until 2:00 o'clock p.m. today.

**After Recess**

The President called the Senate to order at 2:00 o'clock p.m. today.

**Message from the House**

Hall of the House of Representatives,  
Austin, Texas,  
April 20, 1959.

Hon. Ben Ramsey, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

H. B. No. 267, A bill to be entitled "An Act relating to the identification of city and county owned vehicles and heavy equipment; providing for penalties for violation; and declaring an emergency."

H. B. No. 218, A bill to be entitled "An Act amending Acts 1955, 54th Legislature, Regular Session, Page 910, Chapter 359, relating to the Newton County Water Supply District; and declaring an emergency."

H. B. No. 317, A bill to be entitled "An Act amending Senate Bill No. 36, Page 544, General and Special Laws of the State of Texas, Forty-sixth Legislature, Regular Session, 1939, as amended by House Bill No. 611, Chapter 562, Page 914, General and Special Laws of the State of Texas, Forty-seventh Legislature, Regular Session 1941, as amended, which is codified as Article 695c, Vernon's Texas Civil Statutes, by add-

ing a new section to be known as Section 29-A; providing for the issuance of a duplicate assistance warrant if the claimant entitled to receive such warrant has lost or loses, or for any reason failed or fails to receive such warrant after such warrant is or has been issued by the Comptroller; providing a repealing clause, a saving clause; and declaring an emergency."

H. B. No. 473, A bill to be entitled "An Act authorizing the Commissioners' Courts of certain counties to construct or otherwise acquire buildings to be used as county public health units or public health centers, including the acquisition of the sites therefor, and providing for the payment therefor; authorizing the issuance of bonds, time warrants, and certificates of indebtedness to pay for said units and centers and the sites therefor, and providing terms and conditions relating thereto; authorizing the refunding of said obligations into refunding bonds, and providing terms and conditions relating thereto; providing that this Act shall be cumulative of other laws relating to the subject; providing a severability clause; and declaring an emergency."

H. B. No. 233, A bill to be entitled "An Act granting additional powers to the Willacy County Navigation District; and declaring an emergency."

H. B. No. 214, A bill to be entitled "An Act regulating the importation of camellia plants and flowers into the State of Texas; and declaring an emergency."

H. B. No. 330, A bill to be entitled "An Act regulating the use and possession of certain fishing devices in or on or within one-half mile of certain tidal waters of Willacy County; prescribing penalties for violation; repealing laws in conflict; and declaring an emergency."

H. B. No. 464, A bill to be entitled "An Act providing a method of financing the operation of the Texas Commission on Alcoholism; amending Section 18 of Chapter 411 Acts of the Fifty-third Legislature, Regular Session, 1953, as amended; and declaring an emergency."

H. B. No. 482, A bill to be entitled "An Act amending Section 5, Chapter 14, Acts of the 52nd Legislature,

Regular Session, 1951, (compiled as Article 934c, Vernon's Texas Penal Code) relating to the taking of menhaden fish so as to include under its provisions the additional Counties of Kleberg, Kenedy, Willacy, and Cameron; and declaring an emergency."

H. B. No. 229, A bill to be entitled "An Act amending Article 494, Vernon's Code of Criminal Procedure, providing that when an accused in any felony is arraigned or it is made known to the Court at any time that he is not able to hire an attorney that the Court shall appoint one or more practicing attorneys to represent him and the attorney shall have 10 days notice unless waived in writing by the accused and attorney and declaring an emergency."

H. B. No. 463, A bill to be entitled "An Act authorizing the Texas National Guard Armory Board to convey certain lands in McLennan County, Texas; describing the manner of sale and disposition of proceeds; and declaring an emergency."

H. B. No. 467, A bill to be entitled "An Act amending Article 2094, Revised Civil Statutes; providing for selection of jurors from records in the office of the Assessor and Collector of Taxes by certain officials and/or one or more of their deputies; authorizing such selection to be made between the 1st day of June and the 15th day of August of each year; providing for use of such jurors at the first week of court following the 15th day of August each year; repealing all laws or parts of laws in conflict herewith; and declaring an emergency."

H. B. No. 497, A bill to be entitled "An Act regulating the hunting, taking and killing of wild pheasants in Ellis County; repealing all laws in conflict; and declaring an emergency."

H. B. No. 504, A bill to be entitled "An Act amending Article 1266 of the Revised Civil Statutes of Texas, 1925, relating to the discontinuing of territory as a part of certain cities; and declaring an emergency."

H. B. No. 573, A bill to be entitled "An Act to authorize the Lamar County Water Control and Improvement District, Number One (1), to levy,

assess and collect a special assessment based upon actual benefits received by lands within the District arising from flood water retarding structures and dams in the District constructed by the District; providing maximum amount of assessment and when assessment may not be levied; providing purposes for which moneys derived from such assessments may be used, and their accounting; providing designation of lands benefited and amount of benefits; providing assessment lists; providing collection of assessments; providing appeals from assessments levied; providing access to lands for determination of benefits; providing that assessments shall be lien on lands benefited and personal liability of owners of lands; providing a Permanent Reserve Fund and its investments; providing that all laws not in conflict herewith shall remain in force, and repealing all laws in conflict with this Act, providing validation of the District; providing for severability; and declaring an emergency."

H. B. No. 648, A bill to be entitled "An Act providing for a closed season in Jefferson County upon alligators; providing a penalty; and declaring an emergency."

H. B. No. 670, A bill to be entitled "An Act conferring upon counties the right of eminent domain within the boundaries of municipalities with the prior consent of the governing bodies of such municipalities where land, rights of ways or easements are, in the judgment of the Commissioners Court of such counties, necessary or convenient to any road which forms or will form a connecting link in the county road system or a connecting link in a State Highway; providing for the institution of such proceedings in the name of the county; providing for following the same procedure as set out in Title 52, Articles 3264 to 3271, inclusive, Revised Civil Statutes of Texas, 1925, as amended; and providing that no appeal shall cause suspension of work, and that counties shall not be required to give appeal bond or bond for costs; and declaring an emergency."

H. B. No. 514, A bill to be entitled "An Act providing that the attendance of orphan, dependent or neglected children who are wards of the State shall be considered as eligible average daily attendance in the receiving

school district(s) to which these children are transferred after approval by the County School Board and State Commissioner of Education; repealing conflicting laws, making this Act cumulative; and declaring an emergency."

H. B. No. 574, A bill to be entitled "An Act to authorize the Lamar County Water Control and Improvement District, Number Three (3), to levy, assess and collect a special assessment based upon actual benefits received by lands within the District arising from flood waters retarding structures and dams in the District constructed by the District; providing the maximum amount of assessment, and when assessment may not be levied; providing purposes for which monies derived from such assessments may be used, and their accounting; providing designation of lands benefited and amount of benefits; providing assessment lists; providing collection of assessments; providing appeals from assessments levied; providing access to lands for determination of benefits; providing that assessments shall be lien on lands benefited and personal liability of owners of land; providing a Permanent Reserve Fund and its investment; providing that all laws not in conflict herewith shall remain in force, and repealing all laws in conflict with this Act, providing validation of the District; providing for severability; and declaring an emergency."

H. B. No. 693, A bill to be entitled "An Act amending Section 2 of Chapter 90, Acts of the 54th Legislature, Regular Session, 1955, relating to the catching and taking of fish in New Lake Winters, Runnels County, Texas; and declaring an emergency."

H. B. No. 535, A bill to be entitled "An Act establishing and providing for a State mentally retarded school; regulating and providing for the operation of same; and declaring an emergency."

H. B. No. 639, A bill to be entitled "An Act amending Section 13 of Chapter 186, Acts of 1925, 39th Legislature, Regular Session, to provide that contracts executed by the Highway Department for highway improvements may provide for partial payments to an amount not exceeding 95% of the value of the work done and that only 5% of the contract



price need be retained until the entire work has been completed; providing a severability clause; and declaring an emergency."

H. B. No. 642, A bill to be entitled "An Act amending Article 10.05 and Article 10.18 of the Insurance Code; relating to the payment of benefits of a fraternal benefit society; providing that fraternal benefit societies, except those whose admitted assets are less than the sum of their accrued liabilities and reserves, may not be required to segregate their funds; and declaring an emergency."

Respectfully submitted,  
DOROTHY HALLMAN,  
Chief Clerk, House of Representatives

#### Senate Resolution 393

Senator Herring offered the following resolution:

Whereas, We are honored today to have in the gallery of the Senate, the Student Council of the Taylor High School in Taylor, Williamson County, Texas, accompanied by their teacher, Mrs. Francis Lee; and

Whereas, These students of today are the citizens, leaders, and statesmen of tomorrow, who, with the acceptance of democracy's heritage, must carry on the responsibilities of self-government; and

Whereas, It is highly commendable that these young people are demonstrating, by their visit in the Senate, an interest in the processes of their state government; now, therefore, be it

Resolved, That we extend to these students a cordial welcome; and that a copy of this resolution, bearing the official seal of the Senate, be sent to them in appreciation of their visit.

The resolution was read and was adopted.

Senator Herring by unanimous consent presented the students and Mrs. Lee to the Members of the Senate.

#### House Joint Resolution 6 on Third Reading

The Senate resumed the consideration of the pending resolution, same being H. J. R. No. 6 on its third reading with an amendment by Senator Owen pending.

Question—Shall the amendment by

Senator Owen to H. J. R. No. 6 be adopted?

Question on the adoption of the amendment, Yeas and Nays were demanded.

The amendment failed of adoption by the following vote:

#### Yeas—9

Aikin	Owen
Herring	Roberts
Hudson	Rogers
Martin	Willis
Moffett	

#### Nays—19

Baker	Lane
Bradshaw	Parkhouse
Crump	Phillips
Dies	Ratliff
Fuller	Reagan
Gonzalez	Secrest
Hardeman	Smith
Hazlewood	Weinert
Kazen	Wood
Krueger	

#### Absent

Colson	Moore
--------	-------

#### Absent—Excused

Fly

H. J. R. No. 6 was finally passed by the following vote:

#### Yeas—23

Baker	Moffett
Bradshaw	Moore
Colson	Parkhouse
Crump	Phillips
Dies	Ratliff
Fuller	Reagan
Gonzalez	Rogers
Hardeman	Secrest
Hazlewood	Smith
Kazen	Weinert
Krueger	Wood
Lane	

#### Nays—7

Aikin	Owen
Herring	Roberts
Hudson	Willis
Martin	

#### Absent—Excused

Fly

#### Reason for Vote

Texas' great Governor Jim Hogg and the people of Texas set the maxi-

mum interest rate at 10% in Article 16, Section 11, of the Texas Constitution on 11 August 1891. It has stood the test of time and 10% is high enough interest to charge on all except real small loans. I voted against H. J. R. No. 6 for it takes the 10% out of the Texas Constitution and allows the legislature to set the rate of interest as high as they wish on all loans up to \$3,000.00. It was backed by the loan companies and others who state the rate of interest must be raised on small loans. I offered an amendment on the floor of the Senate to allow higher interest rates on loans under \$200.00 which was defeated. I then raised the amount to \$300.00 by a second amendment and it too was defeated. This shows H. J. R. No. 6 backers aren't content to raise the 10% interest rate on small loans. They want to raise the rate of interest above 10% on all loans up to \$3,000. If this constitutional amendment No. 6 passes the Legislature can raise rates of interest on house loans, car loans, furniture loans, etc., as high as it wished—the sky would be the limit. This is bad and I can not vote to remove the ceiling of 10% maximum interest rates on ALL LOANS as it provided in H. J. R. No. 6. It should be defeated at the polls.

WILLIS.

**Senate Concurrent Resolution 54  
on First Reading**

Senator Lane moved that Senate Rule 114 and Section 5 of Article III of the State Constitution be suspended to permit his introducing at this time, a resolution, the provisions of which he explained.

The motion prevailed by the following vote:

Yeas—28

Aikin	Lane
Baker	Martin
Bradshaw	Moffett
Colson	Moore
Crump	Owen
Dies	Parkhouse
Fuller	Phillips
Gonzalez	Ratliff
Hardeman	Reagan
Hazlewood	Roberts
Herring	Secrest
Hudson	Smith
Kazen	Weinert
Krueger	Willis

Absent

Rogers

Wood

Absent—Excused

Fly

The following resolution was then introduced, read first time and referred to the committee indicated:

By Senator Lane:

S. C. R. No. 54, Granting John A. Dorman et al., permission to sue the State of Texas.

Whereas, On or about March 1, 1959, Una Dee Dorman, was riding in an automobile driven by her husband, John A. Dorman, at a point approximately 5.3 miles East of the City Limits of Corsicana, Navarro County, Texas, when said automobile was in collision with a Texas Department of Public Safety automobile driven by Bobbie Stephen Turner, who is alleged to have been authorized to operate such automobile at such time and place; and

Whereas, It is alleged by John A. Dorman, Diane Dorman, Judy Ann Dorman and John Reginald Dorman that the collision with the Texas Department of Public Safety automobile in Navarro County, Texas, was caused by the gross negligence of the driver of the Texas Department of Public Safety automobile, Bobbie Stephen Turner; and

Whereas, John A. Dorman, Diane Dorman, Judy Ann Dorman and John Reginald Dorman allege that the State of Texas is liable for certain alleged damages sustained by John A. Dorman, Judy Ann Dorman, Diane Dorman and John Reginald Dorman as a result of the collision with the said automobile and resulting death of Una Dee Dorman; now, therefore be it

Resolved by the Senate of the State of Texas, the House of Representatives concurring, That John A. Dorman, Diane Dorman, Judy Ann Dorman and John Reginald Dorman of Gregg County, Texas, are hereby granted permission to sue the State of Texas in any court of competent jurisdiction to determine whether or not the State of Texas is liable as a result of the collision, and further to determine what damage, if any, that John A. Dorman, Diane Dorman, Judy Ann Dorman and John Reginald Dorman are entitled to recover from

the State of Texas by reason of any negligent or wrongful act committed by the State of Texas or any of its agencies or agents in connection with the collision; and be it further

Resolved, That service of citation and any other legal process shall be served upon the Attorney General of the State of Texas. Service of process upon this officer shall have the same force and effect as the service of process upon a defendant in any other civil case, according to the Rules of Civil Procedure as promulgated and adopted by the Supreme Court of Texas; and be it further

Resolved, That any party to the suit shall have the right of appeal as is provided for in other civil cases; and, be it further

Resolved, That the sole purpose of this resolution is to grant permission to John A. Dorman, Diane Dorman, Judy Ann Dorman and John Reginald Dorman to bring suit against the State of Texas. No admission of liability or any fact is made in any way by the passage of this Resolution; but on the contrary, it is specifically provided that the facts upon which John A. Dorman, Diane Dorman, Judy Ann Dorman and John Reginald Dorman seek to recover must be proved in court as in other civil cases; and be it further

Resolved, That any and all defenses which the State of Texas may have shall be pleaded by them, and none of the defenses which the State of Texas may have are in any way waived by the passage of this resolution.

The resolution was read and was referred to the Committee on Jurisprudence.

#### Senate Resolution 394

Senator Gonzalez offered the following resolution:

Whereas, We are honored today to have in the gallery of the Senate South San Antonio High School American History and Government Class accompanied by their teacher, Harold L. Uecker; and

Whereas, These students are on an educational tour of the Capitol Building and the Capital City; and

Whereas, This fine group of young American citizens is here to observe and to learn at firsthand the work-

ings of their State government; now, therefore, be it

Resolved, That we officially recognize and welcome these guests and commend them for their interest; and that a copy of this Resolution, properly endorsed, bearing the official seal of the Senate, be mailed to them in recognition of their visit.

The resolution was read and was adopted.

Senator Gonzalez by unanimous consent presented the students and Mr. Uecker to the Members of the Senate.

#### Senate Bill 233 on Third Reading

On motion of Senator Krueger and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its third reading and final passage:

S. B. No. 233, A bill to be entitled "An Act relating to the use, display, posting, maintenance, size, number, placement, contents, limitation and regulation of signs of the price of motor fuel posted, displayed or used on or about any premises or locations where motor fuel is sold at retail; requiring that the price shown on such signs include certain statements or information concerning the taxes included in the price; prohibiting price signs of motor fuel except as provided for in this Act and limiting the display of such signs to pumps and other dispensing devices; amending Title 14, Chapter 11, Penal Code; etc., and declaring an emergency."

The bill was read third time and was passed.

#### Record of Votes

Senators Crump, Bradshaw, Secrest, Hardeman, Owen and Roberts asked to be recorded as voting "Nay" on the final passage of S. B. No. 233.

#### House Bill 6 on Third Reading

Senator Willis asked unanimous consent to suspend the regular order of business and take up H. B. No. 6 for consideration at this time.

There was objection.

Senator Willis then moved to suspend the regular order of business and take up H. B. No. 6 for consideration at this time.

The motion prevailed by the following vote:

## Yeas—20

Aikin	Parkhouse
Baker	Phillips
Crump	Ratliff
Fuller	Reagan
Gonzalez	Roberts
Herring	Rogers
Kazen	Secrest
Martin	Smith
Moffett	Willis
Owen	Wood

## Nays—9

Bradshaw	Krueger
Colson	Lane
Dies	Moore
Hardeman	Weinert
Hazlewood	

## Absent

Hudson

## Absent—Excused

Fly

The President laid before the Senate on its third reading and final passage:

H. B. No. 6, A bill to be entitled "An Act constituting Arlington State College a fully State-supported co-educational senior college; prescribing and limiting courses of study; providing an effective date; declaring this Act to be cumulative of existing statutes relating to Arlington State College; repealing all laws in conflict herewith; and declaring an emergency."

The bill was read third time and was passed by the following vote:

## Yeas—17

Aikin	Parkhouse
Baker	Phillips
Fuller	Ratliff
Gonzalez	Reagan
Herring	Roberts
Kazen	Rogers
Martin	Smith
Moffett	Willis
Owen	

## Nays—12

Bradshaw	Hardeman
Colson	Hazlewood
Crump	Hudson
Dies	Krueger

Lane  
MooreSecrest  
Weinert

## Absent

Wood

## Absent—Excused

Fly

Motion to Place  
House Bill 8 on Third Reading

Senator Martin asked unanimous consent to suspend the regular order of business and take up H. B. No. 8 for consideration at this time.

There was objection.

Senator Martin then moved to suspend the regular order of business and take up H. B. No. 8 for consideration at this time.

The motion was lost by the following vote (not receiving two-thirds vote of the Members present):

## Yeas—19

Aikin	Phillips
Baker	Ratliff
Bradshaw	Reagan
Fuller	Roberts
Gonzalez	Rogers
Kazen	Secrest
Martin	Smith
Moffett	Willis
Moore	Wood
Parkhouse	

## Nays—10

Colson	Herring
Crump	Krueger
Dies	Lane
Hardeman	Owen
Hazlewood	Weinert

## Absent

Hudson

## Absent—Excused

Fly

Motion to Place  
Senate Bill 6 on Third Reading

Senator Moffett asked unanimous consent to suspend the regular order of business and take up S. B. No. 6 for consideration at this time.

There was objection.

Senator Moffett then moved to sus-

pend the regular order of business and take up S. B. No. 6 for consideration at this time.

The motion was lost by the following vote (not receiving two-thirds vote of the Members present):

## Yeas—17

Aikin	Phillips
Baker	Ratliff
Fuller	Reagan
Gonzalez	Rogers
Kazen	Secrest
Martin	Smith
Moffett	Willis
Moore	Wood
Parkhouse	

## Nays—13

Bradshaw	Hudson
Colson	Krueger
Crump	Lane
Dies	Owen
Hardeman	Roberts
Hazlewood	Weinert
Herring	

## Absent—Excused

Fly

**Committee Substitute  
Senate Bill 350 on Second Reading**

Senator Fuller asked unanimous consent to suspend the regular order of business to take up C. S. S. B. No. 350 for consideration at this time.

There was objection.

Senator Fuller then moved to suspend the regular order of business and take up C. S. S. B. No. 350 for consideration at this time.

The motion prevailed by the following vote:

## Yeas—21

Aikin	Moore
Bradshaw	Owen
Colson	Parkhouse
Crump	Ratliff
Fuller	Roberts
Gonzalez	Rogers
Hazlewood	Secrest
Herring	Smith
Kazen	Weinert
Martin	Wood
Moffett	

## Nays—5

Dies	Lane
Hardeman	Phillips
Krueger	

## Present—Not Voting

Hudson

## Absent

Baker	Willis
Reagan	

## Absent—Excused

Fly

The President laid before the Senate on its second reading and passage to engrossment:

C. S. S. B. No. 350, A bill to be entitled "An Act amending Article 8274, Revised Civil Statutes of Texas, as amended, relating to the maximum rate of pilotage which may be charged in ports of this State under Articles 8267, 8269, Revised Civil Statutes; amending Article 8276, Revised Civil Statutes of Texas, relating to responsibility of the consignee of a vessel for pilotage; providing for severability; and declaring an emergency."

The bill was read second time and was passed to engrossment.

## Record of Votes

Senators Hardeman, Dies, Krueger, Lane and Phillips asked to be recorded as voting "Nay" on the passage of C. S. S. B. No. 350 to engrossment.

**Motion to Place  
Committee Substitute  
Senate Bill 350 on Third Reading**

Senator Fuller moved that the Constitutional Rule and Senate Rule 32 requiring bills to be read on three several days be suspended and that C. S. S. B. No. 350 be placed on its third reading and final passage.

The motion was lost by the following vote (not receiving four-fifths vote of the Members present):

## Yeas—22

Aikin	Moore
Bradshaw	Owen
Colson	Parkhouse
Crump	Ratliff
Fuller	Roberts
Gonzalez	Rogers
Hazlewood	Secrest
Herring	Smith
Kazen	Weinert
Martin	Willis
Moffett	Wood

## Nays—5

Dies	Lane
Hardeman	Phillips
Krueger	

## Present—Not Voting

Hudson

## Absent

Baker Reagan

## Absent—Excused

Fly

## Senate Bill 450 on Second Reading

On motion of Senator Phillips and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S. B. No. 450, A bill to be entitled "An Act amending Chapter 55, page 156, Acts of the 40th Legislature of Texas, Regular Session, 1927, to enlarge the governing body of Brazos River Harbor Navigation District of Brazoria County; prescribing the manner of electing such commissioners and the terms of office thereof; validating the acts, orders and proceedings of the governing body of said District; enacting other provisions relating to the subject; and providing a severability clause."

The bill was read second time and passed to engrossment.

## Senate Bill 450 on Third Reading

Senator Phillips moved that the Constitutional Rule and Senate Rule 32 requiring bills to be read on three several days be suspended and that S. B. No. 450 be placed on its third reading and final passage.

The motion prevailed by the following vote:

## Yeas—28

Aikin	Hudson
Baker	Kazen
Bradshaw	Krueger
Colson	Lane
Crump	Martin
Dies	Moffett
Fuller	Owen
Gonzalez	Parkhouse
Hazlewood	Phillips
Herring	Ratliff

Reagan	Smith
Roberts	Weinert
Rogers	Willis
Secrest	Wood

## Nays—1

Hardeman

## Absent

Moore

## Absent—Excused

Fly

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

## Yeas—27

Aikin	Moffett
Baker	Owen
Bradshaw	Parkhouse
Colson	Phillips
Dies	Ratliff
Fuller	Reagan
Gonzalez	Roberts
Hazlewood	Rogers
Herring	Secrest
Hudson	Smith
Kazen	Weinert
Krueger	Willis
Lane	Wood
Martin	

## Nays—2

Crump

Hardeman

## Absent

Moore

## Absent—Excused

Fly

Committee Substitute  
Senate Bill 423 on Second Reading

Senator Hudson asked unanimous consent to suspend the regular order of business and take up C. S. S. B. No. 423 for consideration at this time.

There was objection.

Senator Hudson then moved to suspend the regular order of business and take up C. S. S. B. No. 423 for consideration at this time.

The motion prevailed by the following vote:

## Yeas—24

Baker	Martin
Bradshaw	Owen
Crump	Parkhouse
Dies	Phillips
Fuller	Ratliff
Gonzalez	Reagan
Hardeman	Roberts
Herring	Rogers
Hudson	Smith
Kazen	Weinert
Krueger	Willis
Lane	Wood

## Nays—6

Aikin	Moffett
Colson	Moore
Hazlewood	Secrest

## Absent—Excused

Fly

The President laid before the Senate on its second reading and passage to engrossment:

C. S. S. B. No. 423, A bill to be entitled "An Act establishing a system of checks and balances in selection of officials charged with the investment of, and establishing an efficient investment program based upon uniform standards and investment policies for the Employees Retirement Funds of the Employees Retirement System of Texas, the Retirement Funds of the Teacher Retirement System of Texas, and the State Permanent School Fund, hereinafter called the "Funds"; defining terms; creating the Texas Trust Fund, etc., and declaring an emergency."

The bill was read second time.

Senator Martin offered the following amendment to the bill:

Amend Committee Substitute for Senate Bill 423 by deleting Section 15 of the bill and renumbering the following sections as indicated.

The amendment was adopted.

Senator Aikin offered the following amendment to the bill:

Amend S. B. 423 by striking the words "Permanent School Fund" wherever it appears in lines 28 and 29, page 2.

The amendment was read.

Senator Hudson moved to table the amendment.

Question on the motion to table, yeas and nays were demanded.

The motion to table prevailed by the following vote:

## Yeas—18

Baker	Parkhouse
Dies	Phillips
Fuller	Reagan
Herring	Roberts
Hudson	Rogers
Krueger	Secrest
Lane	Smith
Martin	Weinert
Owen	Wood

## Nays—11

Aikin	Hazlewood
Bradshaw	Kazen
Colson	Moore
Crump	Ratliff
Gonzalez	Willis
Hardeman	

## Absent

Moffett

## Absent—Excused

Fly

On motion of Senator Hudson and by unanimous consent the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment.

### Motion to Place Committee Substitute Senate Bill 423 on Third Reading

Senator Hudson moved that the Constitutional Rule and Senate Rule 32 requiring bills to be read on three several days be suspended and that C. S. S. B. No. 423 be placed on its third reading and final passage.

The motion was lost by the following vote (not receiving four-fifths vote of the Members present):

## Yeas—23

Baker	Lane
Bradshaw	Martin
Colson	Owen
Crump	Parkhouse
Dies	Phillips
Fuller	Ratliff
Hardeman	Reagan
Hazlewood	Roberts
Herring	Smith
Hudson	Weinert
Kazen	Wood
Krueger	

## Nays—6

Aikin	Rogers
Gonzalez	Secrest
Moore	Willis

## Absent

Moffett

## Absent—Excused

Fly

## Senate Resolution 395

Senator Krueger offered the following resolution:

Whereas, We are honored today to have as visitor in the Senate Clifford Hensley of El Campo, Texas; and

Whereas, We desire to welcome this distinguished visitor to the Capitol Building and Capital City; now, therefore, be it

Resolved, That his presence be recognized by the Senate of Texas and that he be extended the official welcome of the Senate and be given the privileges of the floor for the day.

The resolution was read and was adopted.

Senator Krueger by unanimous consent presented Mr. Hensley to the Members of the Senate.

## Senate Resolution 396

Senator Dies offered the following resolution:

Whereas, We are honored today to have as visitors in the Senate Mr. and Mrs. Jack Kay, Mrs. J. W. Parmley, Mrs. Steve Burgess; and

Whereas, We desire to welcome these distinguished visitors to the Capitol Building and Capital City; now, therefore, be it

Resolved, That their presence be recognized by the Senate of Texas and that they be extended the official welcome of the Senate.

The resolution was read and was adopted.

Senator Dies by unanimous consent presented the guests to the Members of the Senate.

## Senate Bill 444 on Second Reading

On motion of Senator Roberts and by unanimous consent, the regular order of business was suspended to

take up for consideration at this time on its second reading and passage to engrossment:

S. B. No. 444, A bill to be entitled "An Act prohibiting the participation in or organization of 'nudist camps'; providing for a penalty and declaring an emergency."

The bill was read second time and passed to engrossment.

## Senate Bill 444 on Third Reading

Senator Roberts moved that the Constitutional Rule and Senate Rule 32 requiring bills to be read on three several days be suspended and that S. B. No. 444 be placed on its third reading and final passage.

The motion prevailed by the following vote:

## Yeas—26

Aikin	Krueger
Baker	Lane
Bradshaw	Martin
Colson	Moore
Crump	Owen
Dies	Phillips
Fuller	Ratliff
Gonzalez	Reagan
Hardeman	Roberts
Hazlewood	Rogers
Herring	Secrest
Hudson	Smith
Kazen	Weinert

## Nays—1

Willis

## Absent

Moffett	Wood
Parkhouse	

## Absent—Excused

Fly

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

## Yeas—26

Aikin	Fuller
Baker	Gonzalez
Bradshaw	Hardeman
Colson	Hazlewood
Crump	Herring
Dies	Hudson



Kazen	Reagan
Krueger	Roberts
Lane	Rogers
Martin	Secrest
Moore	Smith
Phillips	Weinert
Ratliff	Wood

Nays—2

Owen	Willis
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Absent

Moffett	Parkhouse
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Absent—Excused

Fly

**Message from the House**

Hall of the House of Representatives  
Austin, Texas,  
April 20, 1959.

Hon. Ben Ramsey, President of the  
Senate.

Sir: I am directed by the House to  
inform the Senate that the House has  
passed the following:

H. B. No. 51, A bill to be entitled  
"An Act authorizing a pre-school in-  
structional program for non-English  
speaking children, providing for in-  
structional units, providing for fi-  
nancing, requiring Central Education  
Agency to develop program and es-  
tablish certification standards for  
teachers in such program, providing  
a severability or savings clause and  
declaring an emergency."

H. B. No. 278, A bill to be entitled  
"An Act creating the office of District  
Attorney for the 43rd Judicial District  
of Texas, and providing for his selec-  
tion, compensation and duties; fixing  
an effective date; and declaring an  
emergency."

H. B. No. 934, An Act making it  
unlawful to hunt, take, or kill, or at-  
tempt to hunt, take, or kill deer in  
Hardeman and Foard Counties for a  
period of two (2) years; providing  
penalties; and declaring an emergency.

H. B. No. 939, An Act declaring the  
legislative policy of the State as to  
Lavon Lake in Collin County in re-  
gard to game; regulating the use of  
boats and water skis on said Lavon  
Lake; regulating and prohibiting the  
use and discharge of firearms on said  
Lavon Lake; providing penalties for  
violations; designating peace officers

of Collin County and game wardens  
to make inspections of boats and other  
watercraft on Lavon Lake and to en-  
force provisions of the Act; authoriz-  
ing Commissioners Court of Collin  
County to expend county funds for  
the administration and enforcement  
of this Act; providing severability;  
and declaring an emergency.

S. C. R. No. 51, Congratulating Mrs.  
DeWitt Bowmer Texas' Mother of the  
Year."

H. B. No. 704, A bill to be entitled  
"An Act to amend Section 7 of Chap-  
ter 3, Acts of the 46th Legislature,  
Regular Session, 1939, as last amend-  
ed by Chapter 308, Acts of the 47th  
Legislature, Regular Session, 1941  
(Codified by Vernon as Texas Civil  
Statutes, Article 165a-4, Section 7), to  
authorize the supervisors of Soil Con-  
servation Districts to execute notes on  
the faith and credit of the district  
payable from certain funds of the  
district and to secure said notes by a  
lien on certain properties of the dis-  
trict; prescribing the maximum ma-  
turity and interest rate for such  
notes; providing a severability clause;  
and declaring an emergency."

H. B. No. 707, A bill to be entitled  
"An Act to permit the Commissioners'  
Court of any County or the governing  
body of any political subdivision to  
order and provide for the permanent  
recording of any and all instruments  
now required or permitted to be re-  
corded or filed in any public office  
within such county or political subdivi-  
sion, by some type of photography  
instead of in a bound book or other-  
wise; providing for making duplicates  
of such copies or reproductions, and  
for their use and disposition, and for  
entries or notations upon the margins  
of records; providing a severability  
clause; and declaring an emergency."

H. B. No. 714, A bill to be entitled  
"An Act establishing a juvenile board  
in Liberty County; prescribing the  
membership and powers of the board  
and providing for compensation of  
its members; authorizing the board  
to appoint a juvenile officer; pre-  
scribing the powers and duties of  
the juvenile officer and providing  
for his compensation and expenses;  
repealing conflicting laws; providing  
for severability; and declaring an  
emergency."

H. B. No. 755, A bill to be entitled  
"An Act amending Chapter 141, Sen-

ate Bill No. 377, Acts 1957, 55th Legislature, R. S., specifically granting to the Willacy County Navigation District the power and authority to lease and/or grant easements over and along all real property owned and/or held by said District in fee simple, by Patent, Easement or otherwise, for causeway, road and public utility purposes; repealing all laws or parts of laws in conflict herewith; and declaring an emergency."

H. B. No. 775, A bill to be entitled "An Act authorizing the Board for Texas State Hospitals and Special Schools to determine the amount of land excess to the needs of the operation of the Wichita Falls State Hospital; to sell and convey same; and declaring an emergency."

H. B. No. 787, A bill to be entitled "An Act to amend Article 21.26, Chapter 21, of the Insurance Code (Acts of 1951, 52nd Legislature, Chapter 491), providing for consolidation of any two or more insurance companies; by adding to said article a new section to be designated Sec. 6, providing that valid investments made by the absorbed corporations, consolidated or merged under the provisions of Article 21.26 of the Insurance Code shall be valid investments of the new or reorganized corporation; repealing all conflicting laws or parts of laws to the extent of such conflict; and declaring an emergency."

H. B. No. 795, A bill to be entitled "An Act granting the Commissioners Court of Borden County the privilege of paying bounties on wild rabbits killed in the County at not to exceed Ten Cents (10c) for each rabbit; and declaring an emergency."

H. B. No. 796, A bill to be entitled "An Act amending Article 14.17 of the Texas Insurance Code so as to increase the One Hundred (\$100.00) Dollars per month expense factor of certain associations to Three Hundred (\$300.00) Dollars per month; and declaring an emergency."

H. B. No. 798, A bill to be entitled "An Act amending Section 17 of Chapter 152, Acts of the Fifty-fifth Legislature, Regular Session, 1957, to extend for two years the regulation of wildlife by the Game and Fish Commission in Bexar County; and declaring an emergency."

H. B. No. 809, A bill to be entitled

"An Act regulating fishing in Borden and Scurry Counties; providing a penalty for violation of this Act; providing a severability clause; and declaring an emergency."

H. B. No. 833, A bill to be entitled "An Act regulating the hunting, taking and killing of wild squirrels in Upshur and Wood Counties; providing open and closed seasons; providing bag limits; providing penalties for violation of this Act; providing for enforcement of this Act; providing a repealing clause; and declaring an emergency."

H. B. No. 834, A bill to be entitled "An Act amending Section 1, H. B. 390, Chapter 331, Acts of the 55th Legislature, Regular Session, 1957, prescribing an open season on deer in Upshur and Wood Counties; providing for the registration of out-of-county hunters; and declaring an emergency."

H. B. No. 840, A bill to be entitled "An Act amending Section 12 of Chapter 57, Acts of the 55th Legislature, Regular Session, 1957; providing that the Board of Fire Commissioners of the Rural Fire Prevention Districts may appraise the property in said districts, use the county tax rolls, use any tax roll covering the whole district or use any combination of tax rolls evaluating the taxable property in said Rural Fire Prevention Districts; providing for severability; and declaring an emergency."

H. B. No. 861, A bill to be entitled "An Act amending Section 2 of Chapter 386, Acts of the 51st Legislature, Regular Session, 1949, to prohibit hunting and taking of deer with rifles in Precinct 4 of Lamar County; and declaring an emergency."

H. B. No. 868, A bill to be entitled "An Act creating 'Aquilla-Hackberry Creek Conservation District' under the provisions of Section 59, Article XVI of the Texas Constitution; prescribing the area and powers of the District; providing that hearing on exclusion of lands or for the confirmation of its organization or on adoption of plan of taxation shall not be necessary; providing that the ad valorem plan of taxation shall be used by the District; providing for a Board of Directors to control and exercise the District's powers; authorizing the levy and assessment of taxes

for improvements, maintenance, operation and administration of the District; authorizing the issuance of bonds in the accomplishment of the District's purposes, and making such bonds eligible for certain investments and to secure deposits of public funds; exempting the District's bonds from taxation; enacting a savings clause; declaring the District essential; enacting other provisions relating to the subject and purpose of this Act; and declaring an emergency."

H. B. No. 694, A bill to be entitled "An Act regulating the transportation of minnows out of Runnels County, Texas; providing a penalty; and declaring an emergency."

H. B. No. 852, A bill to be entitled "An Act authorizing the Texas Department of Corrections to purchase a tract of land containing approximately 8300 acres within a radius of twenty-five miles of the City of Huntsville, Texas; providing that the total cost of said land shall not exceed \$1,250,000.00; providing that the Texas Board of Corrections shall select the tract of land and handle all transactions from securing the initial option on the land to the consummation of the transaction; providing that said purchase price shall be paid out of the General Revenue Fund of the State of Texas, and it is the intention of the Legislature that the necessary appropriation for the acquisition of the above mentioned tract of land will be included in the biennial appropriation bill (for the two-year period from September 1, 1959, to and including August 31, 1961); and declaring an emergency."

H. B. No. 874, A bill to be entitled "An Act to permit any member of the Teacher Retirement System who has heretofore performed military duty to make deposits with the Retirement System and receive membership former service credit for each creditable year spent in such military service, and declaring an emergency."

H. B. No. 927, A bill to be entitled "An Act authorizing the Comptroller, State Treasurer, and the State Board of Insurance to transfer certain funds from the Travel Expense Appropriation for the State Board of Insurance to Other Operating Expense Appropriations; and declaring an emergency."

H. B. No. 856, A bill to be entitled "An Act to exempt from existing statutes regulating the length of motor vehicles which may be operated in this State and from statutes regulating the distance which a load may extend beyond the front or rear of motor vehicles such vehicles or combinations of vehicles used exclusively to transport poles required for the maintenance of electric power transmission and distribution lines; imposing conditions governing such vehicles; repealing all laws and parts of laws in conflict herewith; containing a severability clause, and declaring an emergency."

H. B. No. 906, A bill to be entitled "An Act amending Article VIII of Chapter 334, Acts of the 51st Legislature, Regular Session, 1949, so as to require the County Board of Trustees to consolidate each school district not eligible for any classroom teacher units under Subsection (1) of Article III of the above cited Act with an adjoining district or districts; and declaring an emergency."

H. B. No. 928, A bill to be entitled "An Act to amend Section 2 of H. B. No. 470, Ch. 155, of the Special Laws of the Acts of the 39th Legislature of the State of Texas, Regular Session, 1925, providing for the election of the Board of Trustees of the Reagan County Independent School District in Reagan County, Texas; providing for the filling of vacancies on the Board of Trustees of the Reagan County Independent School District; providing for current members to serve until the expiration of their terms of office; and declaring an emergency."

H. B. No. 230, A bill to be entitled "An Act amending Article 494a, Vernon's Code of Criminal Procedure, increasing attorney fees for representation of indigents accused of felony offenses, and repealing all laws or parts of laws in conflict herewith; and expressly repealing Section 1a of Chapter 19, Page 25, Acts of the 52nd Legislature known as Article 494a, Vernon's Code of Criminal Procedure."

Respectfully submitted,

DOROTHY HALLMAN,  
Chief Clerk, House of Representatives

#### Senate Bill 458 on Second Reading

Senator Hardeman moved that Senate Rules 32, 38 and 13 and the

Constitutional Rule requiring bills to be read on three several days be suspended and that S. B. No. 458 be placed on its second reading and passage to engrossment and on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—30

Aikin	Martin
Baker	Moffett
Bradshaw	Moore
Colson	Owen
Crump	Parkhouse
Dies	Phillips
Fuller	Ratliff
Gonzalez	Reagan
Hardeman	Roberts
Hazlewood	Rogers
Herring	Secrest
Hudson	Smith
Kazen	Weinert
Krueger	Willis
Lane	Wood

Absent—Excused

Fly

The President then laid before the Senate on its second reading and passage to engrossment the following bill:

S. B. No. 458, A bill to be entitled "An Act to amend Article 57, Ch. 492, Acts, 52nd Leg., Regular Session, 1951, the Election Code of the State of Texas, as amended, so as to provide that in instances where a person is nominated for President or Vice-President of the United States and also for an office requiring a state-wide vote for election, the name of such persons may appear on the official ballot as a candidate for both such offices; repealing laws in conflict herewith; and declaring an emergency."

The bill was read second time and passed to engrossment.

#### Senate Bill 458 on Third Reading

The Constitutional Rule requiring bills to be read on three several days having been suspended the President laid S. B. No. 458 before the Senate on its third reading and final passage.

The bill was read the third time and was passed.

#### Senate Bill 210 on Second Reading

On motion of Senator Bradshaw and by unanimous consent, the regular or-

der of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S. B. No. 210, A bill to be entitled "An Act to amend Article 1.10, Texas Insurance Code, by adding a new section thereto to authorize the State Board of Insurance and State Treasurer to accept and hold voluntary deposits made by Texas insurance companies as a prerequisite for such companies to gain admission to do an insurance business in other states, countries or provinces setting out the conditions under which such deposits may be substituted and withdrawn; and authorizing transfer of previous deposits so made to the account authorized hereunder; making the act cumulative; and declaring an emergency."

The bill was read second time.

(Senator Martin in the Chair.)

Senator Bradshaw offered the following Committee Amendment to the bill:

Amend Senate Bill 210 by striking out all below the enacting clause and substituting in lieu thereof the following:

Section 1. That Article 1.10, Texas Insurance Code, Acts 1951, 52nd Legislature, Chapter 491, as amended, be amended by adding a new section thereto to be known as paragraph 17, which shall henceforth read as follows:

"17. (a) Voluntary Deposits. In the event any insurance company organized and doing business under the provisions of this Code shall be required by any other state, country or province as a requirement for permission to do an insurance business therein to make or maintain a deposit with an officer of any state, country, or province, such company, at its discretion, may voluntarily deposit with the State Treasurer such securities as may be approved by the Commissioner of Insurance to be of the type and character authorized by law to be legal investments for such company, or cash, in any amount sufficient to enable it to meet such requirements. The State Treasurer is hereby authorized and directed to receive such deposit and hold it exclusively for the protection of all policyholders or creditors of the company wherever they may be locat-

ed, or for the protection of the policyholders or creditors of a particular state, country or province, as may be designated by such company at the time of making such deposit. The Company may, at its option, withdraw such deposit or any part thereof, first having deposited with the Treasurer, in lieu thereof, other securities of like class and of equal amount and value to those withdrawn, which withdrawal and substitution must be approved by the Commissioner of Insurance. The proper officer of each insurance company making such deposit shall be permitted at all reasonable times to examine such securities and to detach coupons therefrom, and to collect interest thereon, under such reasonable rules and regulations as may be prescribed by the State Treasurer and the Commissioner of Insurance. Any deposit so made for the protection of policyholders or creditors of a particular state, country or province shall not be withdrawn, except by substitution as provided above, by the company, except upon filing with the Commissioner of Insurance evidence satisfactory to him that the Company has withdrawn from business, and has no unsecured liabilities outstanding or potential policyholder liabilities or obligations in such other state, country or province requiring such deposit, and upon the filing of such evidence the company may withdraw such deposit at any time upon the approval of the Commissioner of Insurance. Any deposit so made for the protection of all policyholders or creditors wherever they may be located shall not be withdrawn, except by substitution as provided above, by the company except upon filing with the Commissioner of Insurance evidence satisfactory to him that the company does not have any unsecured liabilities outstanding or potential policy liabilities or obligations anywhere, and upon filing such evidence the company may withdraw such deposits upon the approval of the Commissioner of Insurance. For the purpose of state, county or municipal taxation, the situs of any securities deposited with the State Treasurer hereunder shall be in the city and county where the principal business office of such company is fixed by its charter."

"(b) Any voluntary deposit now held by the State Treasurer or State Board of Insurance heretofore made by any insurance company in this

state, and which deposit was made for the purpose of gaining admission to another state, may be considered, at the option of such company, to be hereinafter held under the provisions of this act."

Sec. 2. The provisions of this Act shall be cumulative of all other provisions of the Texas Insurance Code, and shall not affect in any manner any other deposit requirement or provision of the Texas Insurance Code.

Sec. 3. If any provision of this Act or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the Act which can be given effect without the invalid provisions or applications, and to this end the provisions of this Act are declared to be severable.

Sec. 4. The fact that the present provisions of the Texas Insurance Code do not authorize certain companies to make voluntary deposits necessary to gain admission into other states, countries and provinces, creates an emergency and an imperative public necessity that the Constitutional rule requiring bills to be read on three successive days before final passage should be suspended, and said rule is hereby suspended and this Act shall take effect from and after its passage, and it is so enacted.

The Committee Amendment was adopted.

On motion of Senator Bradshaw and by unanimous consent the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment.

#### Senate Bill 210 on Third Reading

Senator Bradshaw moved that the Constitutional Rule and Senate Rule 32 requiring bills to be read on three several days be suspended and that S. B. No. 210 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—29

Aikin	Crump
Baker	Dies
Bradshaw	Fuller
Colson	Gonzalez

Hazlewood	Phillips
Herring	Ratliff
Hudson	Reagan
Kazen	Roberts
Krueger	Rogers
Lane	Secrest
Martin	Smith
Moffett	Weinert
Moore	Willis
Owen	Wood
Parkhouse	

Absent

Hardeman

Absent—Excused

Fly

The Presiding Officer then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—29

Aikin	Moffett
Baker	Moore
Bradshaw	Owen
Colson	Parkhouse
Crump	Phillips
Dies	Ratliff
Fuller	Reagan
Gonzalez	Roberts
Hazlewood	Rogers
Herring	Secrest
Hudson	Smith
Kazen	Weinert
Krueger	Willis
Lane	Wood
Martin	

Absent

Hardeman

Absent—Excused

Fly

## Senate Bill 66 on Second Reading

On motion of Senator Smith and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S. B. No. 66, A bill to be entitled "An Act requiring all meetings of all boards, commissions, committees of the Legislature, and all other agencies of the State, City, County, or other political subdivision of the State to be open, with certain exceptions; mak-

ing it unlawful to hold or participate in a closed meeting; defining an offense; prescribing a penalty; providing invalidation of actions taken in closed meeting; providing for removal of officers from office; containing a severability clause; and declaring an emergency."

The bill was read second time.

Senator Smith offered the following Committee Amendment to the bill:

Amend S. B. No. 66 by striking all below the enacting clause and substituting therefor the following:

"Section 1. All meetings of State boards, commissions and councils, and all meetings of city councils, county commissioners' courts, school boards and boards of directors of political subdivisions of the State, shall be open to the public at all times, and records or minutes of the meetings shall be open to public inspection. Any such board may have closed meetings for the discussion of appointments or matters which if made public might adversely affect the public security or the financial interests of the State or its political sub-divisions.

"Sec. 2. Any public official who shall hold or participate in the holding of any meeting, or withhold from public inspection the records or minutes of the meetings, in violation of the provisions of Section 1 of this Act shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not less than One Hundred (\$100.00) Dollars nor more than One Thousand (\$1,000.00) Dollars, and shall be guilty of official misconduct for which he may be removed from office as provided by law.

"Sec. 3. If any part whatever of this Act or the application thereof to any person or circumstance should for any reason be held to be invalid, such invalidity shall not affect or invalidate any portion of the remainder of this Act, and it is hereby declared that such remaining portions would have been enacted in any event.

"Sec. 4. The fact that there is an urgent need for a law prohibiting Executive Sessions of governmental bodies creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each House be suspended, and said rule is hereby suspended, and that this Act

shall take effect and be in force from and after its passage, and it is so enacted."

The Committee Amendment was adopted.

On motion of Senator Smith and by unanimous consent the caption was amended to conform to the body of the bill as amended.

The bill as amended passed to engrossment.

#### Senate Bill 66 on Third Reading

Senator Smith moved that the Constitutional Rule and Senate Rule 32 requiring bills to be read on three several days be suspended and that S. B. No. 66 be placed on its third reading and final passage.

The motion prevailed by the following vote:

#### Yeas—29

Aikin	Moffett
Baker	Moore
Bradshaw	Owen
Colson	Parkhouse
Crump	Phillips
Dies	Ratliff
Fuller	Reagan
Gonzalez	Roberts
Hazlewood	Rogers
Herring	Secrest
Hudson	Smith
Kazen	Weinert
Krueger	Willis
Lane	Wood
Martin	

#### Absent

Hardeman

#### Absent—Excused

Fly

The Presiding Officer then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

#### Senate Bill 443 on Second Reading

On motion of Senator Kazen and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S. B. No. 443, A bill to be entitled "An Act to validate Porcion 49, Ab-

stract No. 1529, Certificate 1767, Original Grantee City of Laredo, Webb County, Texas, containing 5314 acres of land, more or less, being one of the Laredo Porciones Title to which was divested out of the Crown of Spain by the Laredo General Visita and authorizing and requiring the Commissioner of The General Land Office to issue a patent to The City of Laredo, and its assigns, to said Porcion 49, and declaring an emergency."

The bill was read second time.

Senator Kazen offered the following Committee Amendment to the bill:

Amend S. B. 443, Section 1, Line 6 by inserting after the words "authorized and required" the words "upon payment of the fees required by law."

The Committee Amendment was adopted.

On motion of Senator Kazen and by unanimous consent the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment.

#### Senate Bill 443 on Third Reading

Senator Kazen moved that the Constitutional Rule and Senate Rule 32 requiring bills to be read on three several days be suspended and that S. B. No. 443 be placed on its third reading and final passage.

The motion prevailed by the following vote:

#### Yeas—30

Aikin	Martin
Baker	Moffett
Bradshaw	Moore
Colson	Owen
Crump	Parkhouse
Dies	Phillips
Fuller	Ratliff
Gonzalez	Reagan
Hardeman	Roberts
Hazlewood	Rogers
Herring	Secrest
Hudson	Smith
Kazen	Weinert
Krueger	Willis
Lane	Wood

#### Absent—Excused

Fly

The Presiding Officer then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

**Yeas—26**

Aikin	Krueger
Baker	Lane
Bradshaw	Martin
Colson	Moffett
Crump	Moore
Dies	Parkhouse
Fuller	Phillips
Gonzalez	Ratliff
Hardeman	Reagan
Hazlewood	Roberts
Herring	Secrest
Hudson	Smith
Kazen	Weinert

**Nays—3**

Owen	Willis
Rogers	

**Present—Not Voting**

Wood

**Absent—Excused**

Fly

**Senate Bill 130 on Second Reading**

On motion of Senator Baker and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S. B. No. 130, A bill to be entitled "An Act to amend various Sections of Chapter 25, Acts of the 39th Legislature, 1925, in the following respects: To provide a minimum number of petitioners and their qualifications for the organization of water control and improvement districts, with provisions for unqualified signers; providing additional qualifications of directors; etc., and declaring an emergency."

The bill was read second time.

Senator Baker offered the following Committee amendment to the bill:

Amend S. B. No. 130 by striking out all below the enacting clause and substituting in lieu thereof the following:

Section 1. Section 10 of Chapter 25, Acts of the 39th Legislature (Codified by Vernon as Texas Civil Stat-

utes, Article 7880-10), is hereby amended to read as follows:

"Section 10. Petition for the organization of a water control and improvement district shall be signed by a majority in number of the holders of title to the lands therein, and the owners of a majority in value of the lands therein, as shown by the county tax rolls; provided, if the number of such landowners therein is more than fifty, such petition shall be sufficient if same is signed by fifty landowners; and provided, further, that as to a district organized for the primary purpose of furnishing or supplying domestic waterworks and/or sanitary sewer services, such petition shall be signed by at least twenty-five (25) actual bona fide residents of such district who own land in, and have resided within, the boundaries of the proposed district for not less than one hundred and eighty days immediately preceding the signing of such petition. Provided that the signing of a petition by a disqualified person shall not invalidate the petition when a sufficient number of other qualified petitioners join in signing the petition."

Sec. 2. Section 36 of Chapter 25, Acts of the 39th Legislature (codified by Vernon as Texas Civil Statutes, Article 7880-36), is hereby amended to read as follows:

"Section 36. (a) Each district shall have five directors. Each director shall be twenty-one years or more of age and a resident of the State of Texas and shall own land subject to taxation in the district, and as to districts organized for the primary purpose of furnishing or supplying domestic waterworks and/or sanitary sewer services, such directors shall be residents of such district who have resided within the boundaries thereof for not less than six months immediately preceding the beginning of their respective terms of office. No director shall be related to any other director in the same district by consanguinity or affinity within the first degree. The directors shall compose the board of directors of the district and be the managing officers in charge of all the business and affairs of the district, make all contracts pertaining thereto. They shall employ all employees necessary for the proper handling of such business and the operation of the district, its plant and improvements. They may employ a general manager, attorneys, bookkeepers, engineers and laborers. They may purchase all neces-



sary work animals, motors, automobiles, machinery, materials and supplies, required in the erection, repair or maintenance of the plant and improvements of the district. A director may be employed as general manager and at such compensation as may be fixed by any three other directors, and when so employed he shall continue to perform the duties of a director.

"(b) No director shall have a pecuniary interest, either directly or indirectly personally or as an agent, representative or employee of another in any contract of any nature whatsoever, awarded or entered into by any water control and improvement district. No director shall deal in or purchase any bonds or other forms of indebtedness of any such district. Any person violating any provision of this Article shall be fined not less than One Thousand Dollars (\$1,000.00) nor more than Five Thousand Dollars (\$5,000.00)."

Sec. 3. Section 37 of Chapter 25, Acts of the 39th Legislature as last amended by Chapter 107, Section 6, Acts of the 40th Legislature, First Called Session (codified by Vernon as Texas Civil Statutes, Article 7880-37), is hereby amended to read as follows:

"Section 37(a). There shall be held a general election in all water control and improvement districts on the second Tuesday in January next after a district is formed, at which time five (5) directors for each district shall be elected. The two (2) directors receiving the highest vote shall serve for six (6) years. The two (2) directors receiving the next highest vote shall serve for four (4) years. The directors receiving the next highest vote shall serve for two (2) years, and thereafter there shall be an election in continuing sequence each two (2) years for the election of a director or directors for a term of six (6) years.

"(b) In districts which have heretofore been formed and organized, and there exists a duly elected and qualified board of directors, the terms of office of the present directors, in order to conform to the new terms of office, shall be extended as follows:

(1) In districts where two (2) directors were elected at the last preceding election, said directors shall serve for six (6) years, such terms expiring in 1965; the remaining three

(3) directors shall serve for terms ascertained in the following manner: the two (2) directors having received the highest number of votes in the election at which they were elected shall serve until 1963; and the remaining director shall serve until 1961.

(2) In districts where three (3) directors were elected at the last preceding election, the two (2) directors receiving the highest number of votes in said election shall serve for six (6) years, such term expiring in 1965; and the third director elected at such election shall serve until 1963.

The two remaining directors on said Board shall serve until 1961.

In such existing districts there shall be held an election on the second Tuesday in January, 1961, and in continuing sequence every two (2) years thereafter, at which time there shall be elected directors to fill the offices of the directors whose terms are then expiring, and at each such election the directors shall be elected to serve for a term of six (6) years."

"(c) When two or more directors receive the same number of votes in any election, their priority as to length of term shall be determined by lot, their names being drawn by the County Judge of the County in which a majority of the land of the district lies."

Sec. 4. Section 101 of Chapter 25, Acts of the 39th Legislature (codified by Vernon as Texas Civil Statutes 7880-101), is hereby amended to read as follows:

"Section 101. The directors shall sell bonds of the District to the highest bidder, for cash and on the best terms and for the best possible price, but none of said bonds shall be sold for less than ninety-six percent (96%) of par value and accrued interest. When said bonds are sold, the proceeds thereof shall immediately be paid over by the directors, to the depository for said district.

Sec. 5. Section 139 of Chapter 25, Acts of the 39th Legislature (codified by Vernon as Texas Civil Statutes, Article 7880-139), is hereby amended to read as follows:

"Section 139(a). The State Board of Water Engineers shall be and is constituted a commission to investigate and report upon the organization and feasibility of all districts which shall issue bonds under the provisions

hereof. All such districts desiring to issue bonds for any purpose shall submit in writing to said board an application for investigation, together with a copy of the engineers report and a copy of data, profiles, maps, plans, and specifications prepared in connection therewith. Said board shall examine same and shall visit the project and carefully inspect the same and may ask for and shall be supplied with additional data and information requisite to a reasonable and careful investigation of the project and proposed improvements. They shall file in their office in writing their suggestions for changes and improvement and furnish a copy thereof to the board of directors of such district. If said board shall finally approve or refuse to approve such project, or the issuance of bonds for such improvements, they shall make a full written report thereon, file same in their office and furnish a copy of same to the Board of Directors of said district.

"(b) Should all, or any part, of the lands be incorporated in the boundaries of any such proposed District lie within five (5) miles of any incorporated City, with a population of more than Twenty Thousand (20,000) persons, according to the last preceding Federal Census and the purpose of said District is furnishing or supplying domestic waterworks and/or sanitary sewer services, then as a prerequisite to the application being considered by the Board of Water Engineers, the Petition shall first be presented to the Planning Commission or Governing Body of said incorporated City. Provided that in all projects wherein any or all expenditures exceed Twenty-Five Thousand Dollars (\$25,000) the approval of the Board of Water Engineers shall be required to make any changes in the plans and specifications.

"(c) The State Board of Water Engineers shall supervise all expenditures in excess of One Thousand Dollars (\$1,000) made by any district, if in the election to confirm the organization of such district less than twenty-six (26) votes were cast, and there has not been a succeeding election providing for the issuance of bonds in which more than twenty-five (25) votes were cast, and any territory comprising such district is situated within five (5) miles of a city in this State, having a population of more than One Hundred Thousand

(100,000), according to the last preceding United States Census. Should the Bond Issue be for the purpose of constructing sanitary and sewer utility lines for an urban-type development, and said City have on its books an Ordinance requiring subdividers of land within the city limits, or requiring as a condition of approval of subdivision maps, that the improvements in question be built at the expense of the subdivider, then the plans and contracts let pursuant thereto, must first be presented to the Governing Body of said City, before being submitted to the Board of Water Engineers for approval."

"(d) Before any payments under a contract of One Thousand Dollars (\$1000) or more are made to any contractor, who contracts to construct improvements for any such district, a certification, under oath, shall be executed by a Registered Professional Engineer, certifying that the work has been done in accordance with the contract and that the contractor is entitled to the payment relating to the work. Such certification is to be filed with the Board of Directors of the District, and with the State Board of Water Engineers. The State Board shall also be provided with all the necessary maps, plans, profiles, engineers reports, data and specifications requested by them in order that the State Board may make any investigation, inspection or examination which it deems necessary. If, after such investigation, inspection and examination made by the State Board, the Board is of the opinion, upon written findings, that the contractor has not fulfilled his contract, the State Board may order that no further payments be made to said contractor until the State Board becomes satisfied that the work has been done properly. If the Board of Directors of any water control and improvement district pays or causes to be paid to any contractor contracting for improvements with said district without the approval by a registered professional engineer, or contrary to the terms of any order of the State Board entered pursuant to the terms of this Section, then each Director shall be subject to a fine of not less than One Thousand Dollars (\$1000) nor more than Five Thousand Dollars (\$5000).

Sec. 6. Article 7880-39, Vernon's Texas Civil Statutes (Acts 1925, 39th

Legislature, Chapter 25, Page 96, Section 39) is hereby amended to read as follows:

"The directors of a district shall each make and furnish a good and sufficient bond in the sum of Five Thousand Dollars (\$5000), payable to the district, conditioned upon the faithful performance of their duties as such directors. Before entering upon the duties of their office, each director shall take the official oath, and shall also take and subscribe to a written oath that he will not be directly or indirectly interested in any contract with, or claim against, the district, except such warrants as may issue to him as fees of office, and that he will pay over to the district all moneys illegally paid to him out of district funds, as voluntary payments or otherwise, and that he will not vote or give his consent to pay out district funds except for lawful purposes. After the organization of a district as herein provided and the qualification of the first board of directors, all such bonds required to be given by a director or other officer of a district shall be approved by the director of the district. All such bonds shall be filed for record in the office of the county clerk of the county in which the director lives and shall then be recorded and a record kept for that purpose in the office of the district and be filed for safekeeping in the depository of the district."

Sec. 7. Articles 7880-121, Vernon's Texas Civil Statutes (Acts 1925, 39th Legislature, Chapter 25, Page 121, Section 121) is hereby amended to read as follows:

"The person, firm or corporation to whom such contract is let shall give a good and sufficient bond payable to the district in such amount as the directors may determine; however, in no event shall the amount of such bond be less than the contract price, conditioned that he, they or it, will faithfully perform the obligations, agreements and covenants of such contract and that in default thereof they will pay to said district all damages sustained by reason thereof or complete said contract according to its terms. All sureties signing such bonds shall be bound thereto and thereby to the same extent that the principal thereon is so bound regardless of the technical defenses. Such bond shall be approved by the directors and shall be deposited with a depository of the

district, a true record thereof being made in a record book in the office of the district. No contractor shall ever be allowed to commence work on a contract without having first furnished to the district the bond hereinabove provided for."

Sec. 8. That Chapter 25, Acts of the 39th Legislature, (codified by Vernon as Texas Civil Statutes, Article 7880) is hereby amended by the addition of a new Section to be known as Section 116a to read as follows:

"Sec. 116a. (a) No contract involving the expenditure of more than One Thousand Dollars (\$1,000) shall be entered into by the Board of Directors of any Water Control and Improvement District unless the same be in writing and approved by a competent attorney employed by the District for that purpose.

(b) No attorney so employed by Water Control and Improvement District for the purpose of approving the legality of written contracts by the District involving the expenditure of One Thousand Dollars (\$1,000) or more of the District's funds shall approve such contract unless in his opinion such contract is within the powers of the Board of Directors of the District to make, and that neither the same nor any provision thereof violates any of the laws pertaining to Water Control and Improvement Districts.

(c) Any and all attorneys so employed by a Water Control and Improvement District for the purpose of approving contracts made by the District involving the expenditure of District funds in the amount of One Thousand Dollars (\$1,000), or more, shall make a bond in the amount of Five Thousand Dollars (\$5,000), payable to the District conditioned upon the faithful performance of his duties as such attorney. Such bond shall be subject to the approval of the Board of Directors and when so approved shall be filed in the permanent records of the District. All contracts of such District required to be approved by such attorney shall show his approval in writing on each contract so approved by him, bearing his signature and the date thereof, and no director of any Water Control and Improvement District shall ever execute any such contract until such time as the same has been approved in writing by such attorney.

Sec. 9. All laws and parts of laws

in conflict with this Act are hereby repealed to the extent of such conflict only.

Sec. 10. If any provision of this Act or the application thereof to any person or circumstance shall be held to be invalid or unconstitutional, the remainder of this Act, in the application of such provision to other persons or circumstances shall not be affected thereby, and to that end the provisions of this Act are declared to be severable.

Sec. 11. The fact that many promoters have used Water Control and Improvement Districts as devices for their own financial aggrandizement creates an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each House be suspended, and such rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

The Committee Amendment was read.

Senator Baker offered the following substitute for the Committee Amendment:

Amend S. B. No. 130 by striking out all below the enacting clause and substituting therefor the following:

Section 1. Section 10 of Chapter 25, Acts of the 39th Legislature (codified by Vernon as Texas Civil Statutes, Article 7880-10), is hereby amended to read as follows:

"Section 10. Petition for the organization of a water control and improvement district shall be signed by a majority in number of the holders of the title to the lands therein, and the owners of a majority in value of the lands therein, as shown by the county tax rolls; provided, if the number of such land owners therein is more than fifty, such petition shall be sufficient if same is signed by fifty land owners; and provided, further, that as to a district organized for the primary purpose of furnishing or supplying domestic waterworks and/or sanitary sewer services, such petition shall be signed by at least twenty-five (25) actual bona fide residents of such district who own land in, and have resided within, the boundaries of the proposed district for not less than one hundred and eighty days immediately preceding the

signing of such petition. Provided that the signing of a petition by a disqualified person shall not invalidate the petition when a sufficient number of other qualified petitioners join in signing the petition."

Sec. 2. Section 36 of Chapter 25, Acts of the 39th Legislature (codified by Vernon as Texas Civil Statutes, Article 7880-36) is hereby amended to read as follows:

"Section 36. (a) Each district shall have five directors. Each director shall be twenty-one years or more of age and a resident of the State of Texas and shall own land subject to taxation in the district, and as to districts organized for the primary purpose of furnishing or supplying domestic waterworks and/or sanitary sewer services, such directors, shall be residents of such district who have resided within the boundaries thereof for not less than six months immediately preceding the beginning of their respective terms of office. No director shall be related to any other director in the same district by consanguinity or affinity within the first degree. The directors shall compose the board of directors of the district and be the managing officers in charge of all the business and affairs of the district, make all contracts pertaining thereto. They shall employ all employees necessary for the proper handling of such business and the operation of the district, its plant and improvements. They may employ a general manager, attorneys, bookkeepers, engineers, and laborers. They may purchase all necessary work animals, motors, automobiles, machinery, materials and supplies, required in the erection, repair or maintenance of the plant and improvements of the district. A director may be employed as general manager and at such compensation as may be fixed by any three other directors, and when so employed he shall continue to perform the duties of a director.

"(b) No director shall have a pecuniary interest, either directly or indirectly personally or as an agent, representative or employee of another in any contract of any nature whatsoever, awarded or entered into by any water control and improvement district. No director shall deal in or purchase any bonds or other forms of indebtedness of any such district. Any person violating any provision of this article shall be fined not less

than one Thousand Dollars (\$1,000.00) nor more than Five Thousand Dollars (\$5,000.00)."

Sec. 3. Section 101 of Chapter 25, Acts of the 39th Legislature (codified by Vernon as Texas Civil Statutes 7880-101), is hereby amended to read as follows:

"Section 101. The directors shall sell bonds of the District to the highest bidder, for cash and on the best terms and for the best possible price, but none of said bonds shall be sold for less than ninety-six (96%) of par value and accrued interest. When said bonds are sold, the proceeds thereof shall immediately be paid over by the directors, to the depository for said district.

Sec. 4. Section 139 of Chapter 25, Acts of the 39th Legislature (codified by Vernon as Texas Civil Statutes, Article 7880-139), is hereby amended to read as follows:

"Section 139(a) The State Board of Water Engineers shall be and is constituted a commission to investigate and report upon the organization and feasibility of all districts which shall issue bonds under the provisions hereof. All such districts desiring to issue bonds for any purpose shall submit in writing to said board an application for investigation, together with a copy of the engineer's report and a copy of data, profiles, maps, plans, and specifications prepared in connection therewith. Said board shall examine same and shall visit the project and carefully inspect the same and may ask for and shall be supplied with additional data and information requisite to a reasonable and careful investigation of the project and proposed improvements. They shall file in their office in writing their suggestions for changes and improvement and furnish a copy thereof to the board of directors of such district. If said board shall finally approve or refuse to approve such project, or the issuance of bonds for such improvements, they shall make a full written report thereon, file same in their office and furnish a copy of same to the Board of Directors of said district.

"(b) Should all, or any part, of the lands be incorporated in the boundaries of any such proposed District lie within five (5) miles of any incorporated City, with a population of more than Twenty Thousand (20,000) persons, according to the last preced-

ing Federal Census and the purpose of said District is furnishing or supplying domestic waterworks and/or sanitary sewer services, then as a prerequisite to the application being considered by the Board of Water Engineers, the Petition shall first be presented to the Planning Commission or Governing Body of said incorporated City. Provided that in all projects wherein any or all expenditures exceed Twenty-Five Thousand Dollars (\$25,000) the approval of the Board of Water Engineers shall be required to make any changes in the plans and specifications.

"(c) The State Board of Water Engineers shall supervise all expenditures in excess of One Thousand Dollars (\$1,000) made by any district, if in the election to confirm the organization of such district less than twenty-six (26) votes were cast, and there has not been a succeeding election providing for the issuance of bonds in which more than twenty-five (25) votes were cast, and any territory comprising such district is situated within five (5) miles of a city in this state, having a population of more than One Hundred Thousand (100,000), according to the last preceding United States Census. Should the Bond Issue be for the purpose of constructing sanitary and sewer utility lines for an urban-type development, and said City have on its books an Ordinance requiring subdividers of land within the city limits, or requiring as a condition of approval of subdivision maps, that the improvements in question be built at the expense of the subdivider, then the plans and contracts let pursuant thereto, must first be presented to the Governing Body of said City, before being submitted to the Board of Water Engineers for approval.

Before any payments under a contract of One Thousand Dollars (\$1000) or more are made to any contractor, who contracts to construct improvements for any such district, a certification, under oath, shall be executed by a Registered Professional Engineer, certifying that the work has been done in accordance with the contract and that the contractor is entitled to the payment relating to the work. Such certification is to be filed with the Board of Directors of the District, and with the State Board of Water Engineers. The State Board shall also be provided with all the

necessary maps, plans, profiles, engineers reports, data and specifications requested by them in order that the State Board may make any investigation, inspection or examination which it deems necessary. If, after such investigation, inspection and examination made by the State Board, the Board is of the opinion, upon written findings, that the contractor has not fulfilled his contract, the State Board may order that no further payments be made to said contractor until the State Board becomes satisfied that the work has been done properly. If the Board of Directors of any water control and improvement district pays or causes to be paid to any contractor contracting for improvements with said district without the approval by a registered professional engineer, or contrary to the terms of any order of the State Board entered pursuant to the terms of this Section, then each Director shall be subject to a fine of not less than One Thousand Dollars (\$1000) nor more than Five Thousand Dollars (\$5000).

Sec. 5. Article 7880-39, Vernon's Texas Civil Statutes (Acts 1925, 39th Legislature, Chapter 25, Page 96, Section 39) is hereby amended to read as follows:

"The directors of a district shall each make and furnish a good and sufficient bond in the sum of Five Thousand Dollars (\$5000), payable to the district, conditioned upon the faithful performance of their duties as such directors. Before entering upon the duties of their office, each director shall take the official oath, and shall also take and subscribe to a written oath that he will not be directly or indirectly interested in any contract with, or claim against, the district, except such warrants as may issue to him as fees of office, and that he will pay over to the district all moneys illegally paid to him out of district funds, as voluntary payments or otherwise, and that he will not vote or give his consent to pay out district funds except for lawful purposes. After the organization of a district as herein provided and the qualification of the first board of directors, all such bonds required to be given by a director or other officer of a district shall be approved by the director of the district. All such bonds shall be filed for record in the office of the county clerk of the county in which the director lives and shall then be

recorded and a record kept for that purpose in the office of the district and be filed for safekeeping in the depository of the district."

Sec. 6. Article 7880-121, Vernon's Texas Civil Statutes (Acts 1925, 39th Legislature, Chapter 25, Page 121, Section 121) is hereby amended to read as follows:

"The person, firm or corporation to whom such contract is let shall give a good and sufficient bond payable to the district in such amount as the directors may determine; however, in no event shall the amount of such bond be less than the contract price, conditioned that he, they or it, will faithfully perform the obligations, agreements and covenants of such contract and that in default thereof they will pay to said district all damages sustained by reason thereof or complete said contract according to its terms. All sureties signing such bonds shall be bound thereto and thereby to the same extent that the principal thereon is so bound regardless of the technical defenses. Such bond shall be approved by the directors and shall be deposited with a depository of the district, a true record thereof being made in a record book in the office of the district. No contractor shall ever be allowed to commence work on a contract without having first furnished to the district the bond hereinabove provided for."

Sec. 7. All laws and parts of laws in conflict with this Act are hereby repealed to the extent of such conflict only.

Sec. 8. If any provision of this Act or the application thereof to any person or circumstance shall be held to be invalid or unconstitutional, the remainder of this Act, in the application of such provision to other persons or circumstances shall not be affected thereby, and to that end the provisions of this Act are declared to be severable.

Sec. 9. The fact that many promoters have used Water Control and Improvement Districts as devices for their own financial aggrandizement creates an emergency and an imperative public necessity that the Constitutional Rule requiring that bills be read on three several days in each House be suspended, and such rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

The substitute for the Committee Amendment was adopted.

The Committee Amendment as substituted was then adopted.

(President in the Chair.)

On motion of Senator Baker and by unanimous consent the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment.

#### Motion to Place Senate Bill 130 on Third Reading

Senator Baker moved that the Constitutional Rule and Senate Rule 32 requiring bills to be read on three several days be suspended and that S. B. No. 130 be placed on its third reading and final passage.

The motion was lost by the following vote (not receiving four-fifths vote of the Members present):

#### Yeas—22

Aikin	Martin
Baker	Moffett
Bradshaw	Moore
Colson	Parkhouse
Crump	Phillips
Dies	Ratliff
Fuller	Roberts
Gonzalez	Rogers
Hazlewood	Secrest
Krueger	Weinert
Lane	Willis

#### Nays—6

Hardeman	Owen
Herring	Reagan
Kazen	Wood

#### Present—Not Voting

Hudson

#### Absent

Smith

#### Absent—Excused

Fly

#### House Bill 9 on Second Reading

Senator Gonzalez asked unanimous consent to suspend the regular order of business and take up H. B. No. 9 for consideration at this time.

There was objection.

Senator Gonzalez then moved to suspend the regular order of business and take up H. B. No. 9 for consideration at this time.

The motion prevailed by the following vote:

#### Yeas—25

Aikin	Moore
Bradshaw	Owen
Colson	Parkhouse
Crump	Ratliff
Fuller	Reagan
Gonzalez	Roberts
Hazlewood	Rogers
Hudson	Secrest
Kazen	Smith
Krueger	Weinert
Lane	Willis
Martin	Wood
Moffett	

#### Nays—5

Baker	Herring
Dies	Phillips
Hardeman	

#### Absent—Excused

Fly

The President laid before the Senate on its second reading and passage to third reading:

H. B. No. 9, A bill to be entitled "An Act authorizing and directing the Board of Regents of the University of Texas to establish a Medical Branch or Department of The University of Texas within the County of Bexar, State of Texas, to be known as The South Texas Medical School; providing that the Board of Regents shall take no action pursuant to the terms of this Act, excepting planning provided for, until an appropriation has been made for the purpose of carrying out the provisions of this Act; etc., and declaring an emergency."

The bill was read second time.

Senator Herring offered the following amendment to the bill:

Amend House Bill 9, Section 1, in lines 48 and 49 of the first paragraph, by striking out the words "within the County of Bexar, State of Texas, to be known as the South Texas Medical School" and inserting in lieu thereof the words "at such location in the State of Texas as the Board of Re-

gents of the University of Texas may select. In making such selection, the Board of Regents of the University of Texas shall take into consideration population centers, hospital facilities, available teaching personnel, available courses of instruction, clinical material and facilities, and shall seek the advice of leading medical educators and such other available sources as they may determine to be proper."

The amendment was read.

Senator Gonzalez moved to table the amendment.

Question on the motion to table, yeas and nays were demanded.

The motion to table prevailed by the following vote:

#### Yeas—23

Aikin	Moore
Bradshaw	Owen
Colson	Phillips
Crump	Reagan
Dies	Roberts
Fuller	Rogers
Gonzalez	Secrest
Hardeman	Smith
Hazlewood	Weinert
Kazen	Willis
Lane	Wood
Moffett	

#### Nays—4

Baker	Hudson
Herring	Ratliff

#### Present—Not Voting

Parkhouse

#### Absent

Krueger	Martin
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#### Absent—Excused

Fly

The bill was passed to third reading.

#### House Bill 9 on Third Reading

Senator Gonzalez moved that the Constitutional Rule and Senate Rule 32 requiring bills to be read on three several days be suspended and that H. B. No. 9 be placed on its third reading and final passage.

The motion prevailed by the following vote:

#### Yeas—25

Aikin	Moore
Baker	Owen
Bradshaw	Parkhouse
Colson	Ratliff
Crump	Reagan
Fuller	Roberts
Gonzalez	Rogers
Hazlewood	Secrest
Hudson	Smith
Kazen	Weinert
Krueger	Willis
Lane	Wood
Moffett	

#### Nays—4

Dies	Herring
Hardeman	Phillips

#### Absent

Martin

#### Absent—Excused

Fly

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

#### Record of Votes

Senators Herring, Hardeman and Phillips asked to be recorded as voting "Nay" on the final passage of H. B. No. 9.

#### Senate Bill 459 on First Reading

By unanimous consent the following local bill was introduced, read first time and referred to the committee indicated:

By Senator Rogers:

S. B. No. 459, A bill to be entitled "An Act to authorize and require the appointment of an official shorthand reporter of the 100th Judicial District of Texas; fixing maximum and minimum salary to be paid in addition to compensation for transcripts, statement of facts and other fees; and fixing allowance for travel and hotel expense; providing the time, method and manner of payment; repealing all laws or parts of laws in conflict; providing a saving clause; and declaring an emergency."

To the Committee on Counties, Cities and Towns.



**Report of Standing Committee**

Senator Aikin by unanimous consent submitted the following report:

Austin, Texas,  
April 20, 1959.

Hon. Ben Ramsey, President of the Senate:

Sir: We, your Committee on Counties, Cities and Towns, to whom was referred S. B. No. 459, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

AIKIN, Chairman.

**Senate Bill 459 Ordered Not Printed**

On motion of Senator Rogers and by unanimous consent S. B. No. 459 was ordered not printed.

**Senate Joint Resolution 1  
Laid on Table Subject to Call**

On motion of Senator Kazen and by unanimous consent S. J. R. No. 1 was Laid on the Table Subject to Call.

**Senate Bill 289 on Second Reading**

Senator Parkhouse asked unanimous consent to suspend the regular order of business and take up S. B. No. 289 for consideration at this time.

There was objection.

Senator Parkhouse then moved to suspend the regular order of business and take up S. B. No. 289 for consideration at this time.

The motion prevailed by the following vote:

**Yeas—28**

Aikin	Moffett
Baker	Moore
Bradshaw	Owen
Colson	Parkhouse
Crump	Phillips
Dies	Ratliff
Fuller	Reagan
Gonzalez	Roberts
Hazlewood	Rogers
Herring	Secrest
Hudson	Smith
Kazen	Weinert
Krueger	Willis
Lane	Wood

**Nays—2**

Hardeman	Martin
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**Absent—Excused**

Fly

The President laid before the Senate on its second reading and passage to engrossment:

S. B. No. 289, A bill to be entitled "An Act authorizing any nonprofit corporation incorporated under the laws of this State for charitable purposes and affiliated or associated with a medical center having a recognized medical school and which has for its purpose the support of medical facilities dedicated to the use and benefit of the public, situated in certain counties, to exercise the power of eminent domain; providing for the conveyance or leasing of such property under certain conditions; granting the right of reverter to the original owner upon abandonment of purpose; providing for severability; and declaring an emergency."

The bill was read second time and was passed to engrossment by the following vote:

**Yeas—21**

Aikin	Moffett
Baker	Moore
Colson	Parkhouse
Dies	Phillips
Fuller	Ratliff
Hazlewood	Reagan
Herring	Roberts
Hudson	Rogers
Kazen	Secrest
Krueger	Weinert
Lane	

**Nays—8**

Bradshaw	Owen
Crump	Smith
Hardeman	Willis
Martin	Wood

**Absent**

Gonzalez

**Absent—Excused**

Fly

**Senate Bill 289 on Third Reading**

Senator Parkhouse moved that the Constitutional Rule and Senate Rule 32 requiring bills to be read on three several days be suspended and that S. B. No. 289 be placed on its third reading and final passage.

The motion prevailed by the following vote:

**Yeas—24**

Aikin	Lane
Baker	Moffett
Colson	Moore
Crump	Parkhouse
Dies	Phillips
Fuller	Ratliff
Gonzalez	Reagan
Hazlewood	Roberts
Herring	Rogers
Hudson	Secrest
Kazen	Smith
Krueger	Weinert

**Nays—6**

Bradshaw	Owen
Hardeman	Willis
Martin	Wood

**Absent—Excused**

Fly

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

**Record of Votes**

Senators Hardeman, Owen, Crump, Bradshaw, Wood, Martin, Willis and Ratliff asked to be recorded as voting "Nay" on the final passage of S. B. No. 289.

**Senate Bill 354 on Second Reading**

On motion of Senator Moore and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S. B. No. 354, A bill to be entitled "An Act relating to professional sanitarians; providing for the establishment of a State Board of Registration for Professional Sanitarians, and prescribing its powers, duties and functions; dealing with qualifications, appointment, removal, compensation and expenses of members thereof; etc."

The bill was read second time and passed to engrossment.

**Senate Bill 354 on Third Reading**

Senator Moore moved that the Constitutional Rule and Senate Rule 32

requiring bills to be read on three several days be suspended and that S. B. No. 354 be placed on its third reading and final passage.

The motion prevailed by the following vote:

**Yeas—25**

Aikin	Moffett
Baker	Moore
Bradshaw	Owen
Colson	Parkhouse
Fuller	Phillips
Gonzalez	Reagan
Hazlewood	Roberts
Herring	Rogers
Hudson	Secrest
Kazen	Smith
Krueger	Willis
Lane	Wood
Martin	

**Nays—5**

Crump	Ratliff
Dies	Weinert
Hardeman	

**Absent—Excused**

Fly

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

**Record of Votes**

Senators Hardeman, Lane, Ratliff, Owen, Bradshaw, Crump, Weinert and Krueger asked to be recorded as voting "Nay" on the final passage of S. B. No. 354.

**Senate Concurrent Resolution 28 on Second Reading**

On motion of Senator Owen and by unanimous consent, the regular order of business was suspended to take up for consideration at this time the following resolution:

S. C. R. No. 28, Authorizing Board of Directors of Agricultural and Mechanical College to construct, equip certain buildings for Texas Agricultural Experiment Station and Texas Forest Service.

The resolution was read and was adopted.

**Committee Substitute  
Senate Bill 423 on Third Reading**

Senator Hudson moved that the Constitutional Rule and Senate Rule 32 requiring bills to be read on three several days be suspended and that C. S. S. B. No. 423 be placed on its third reading and final passage.

The motion prevailed by the following vote:

**Yeas—25**

Baker	Lane
Bradshaw	Martin
Colson	Owen
Crump	Parkhouse
Dies	Phillips
Fuller	Ratliff
Gonzalez	Reagan
Hardeman	Roberts
Hazlewood	Rogers
Herring	Secrest
Hudson	Smith
Kazen	Weinert
Krueger	

**Nays—4**

Aikin	Moore
Moffett	Wood

**Absent**

Willis

**Absent—Excused**

Fly

The President then laid the following bill before the Senate on its third reading and final passage.

C. S. S. B. No. 423, A bill to be entitled "An Act establishing a system of checks and balances in selection of officials charged with the investment of, and establishing an efficient investment program based upon uniform standards and investment policies for the Employees Retirement Funds of the Employees Retirement System of Texas, the Retirement Funds of the Teacher Retirement System of Texas, and the State Permanent School Fund, hereinafter called the "Funds"; defining terms; creating the Texas Trust Fund, etc., and declaring an emergency."

The bill was read third time and was passed by the following vote:

**Yeas—20**

Baker	Bradshaw
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Colson	Lane
Crump	Owen
Dies	Parkhouse
Fuller	Phillips
Gonzalez	Reagan
Herring	Roberts
Hudson	Secrest
Kazen	Weinert
Krueger	Smith

**Nays—10**

Aikin	Moore
Hardeman	Ratliff
Hazlewood	Rogers
Martin	Willis
Moffett	Wood

**Absent—Excused**

Fly

**Senate Concurrent Resolution 34  
on Second Reading**

On motion of Senator Secrest and by unanimous consent, the regular order of business was suspended to take up for consideration at this time the following resolution:

S. C. R. No. 34, Granting Dean Skinner permission to sue the State of Texas.

The resolution was read and was adopted.

**Committee Substitute  
Senate Bill 350 on Third Reading**

Senator Fuller moved that the Constitutional Rule and Senate Rule 32 requiring bills to be read on three several days be suspended and that C. S. S. B. No. 350 be placed on its third reading and final passage.

The motion prevailed by the following vote:

**Yeas—24**

Aikin	Moffett
Baker	Moore
Bradshaw	Owen
Colson	Parkhouse
Crump	Ratliff
Fuller	Roberts
Gonzalez	Rogers
Hazlewood	Secrest
Herring	Smith
Hudson	Weinert
Kazen	Willis
Martin	Wood

**Nays—5**

Dies	Hardeman
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Krueger  
Lane

Phillips

Absent

Reagan

Absent—Excused

Fly

The President then laid the following bill before the Senate on its third reading and final passage.

C. S. S. B. No. 350, A bill to be entitled "An Act amending Article 8274, Revised Civil Statutes of Texas, as amended, relating to the maximum rate of pilotage which may be charged in ports of this State under Articles 8267, 8269, Revised Civil Statutes; amending Article 8267, Revised Civil Statutes of Texas, relating to responsibility of the consignee of a vessel for pilotage, etc., and declaring an emergency."

The bill was read third time and was passed.

#### Record of Votes

Senators Krueger, Hudson, Hardeman, Lane, Phillips, Baker, Reagan and Dies asked to be recorded as voting "Nay" on the final passage to C. S. S. B. No. 350.

#### Vote on Senate Concurrent Resolution 34 Reconsidered

On motion of Senator Secrest and by unanimous consent, the vote by which S. C. R. No. 34 was adopted was reconsidered.

The President laid before the Senate on its second reading S. C. R. No. 34.

The resolution was again adopted by the following vote:

#### Yeas—30

Aikin  
Baker  
Bradshaw  
Colson  
Crump  
Dies  
Fuller  
Gonzalez  
Hardeman  
Hazlewood  
Herring  
Hudson  
Kazen

Krueger  
Lane  
Martin  
Moffett  
Moore  
Owen  
Parkhouse  
Phillips  
Ratliff  
Reagan  
Roberts  
Rogers  
Secrest

Smith  
Weinert

Willis  
Wood

Absent—Excused

Fly

#### Senate Concurrent Resolution 33 on Second Reading

On motion of Senator Parkhouse and by unanimous consent, the regular order of business was suspended to take up for consideration at this time the following resolution:

S. C. R. No. 33, Requesting examination of all proposed legislation upon business climate of the State of Texas.

The resolution was read and was adopted.

#### Record of Vote

Senator Herring asked to be recorded as voting "Nay" on the adoption of the above resolution.

#### Senate Bill 6 on Third Reading

The President laid before the Senate on its third reading and final passage the following bill:

S. B. No. 6, A bill to be entitled "An Act creating Midwestern University at Wichita Falls, Texas, and providing for instruction at said University suitable to a University of higher learning teaching the liberal arts and sciences of the first class; providing for the organization, control and management thereof, the appointment of a Board of Regents and selection of a President; etc.; and declaring an emergency."

The bill was read the third time and was passed.

#### Record of Votes

Senators Hardeman, Krueger, Dies, Owen, Lane, Herring, Colson, Bradshaw, Roberts, Secrest, Hazlewood, Willis, Weinert and Crump asked to be recorded as voting "Nay" on the final passage of S. B. No. 6.

#### Committee Substitute Senate Bill 17 on Second Reading

On motion of Senator Colson and by unanimous consent, the regular order of business was suspended to take

up for consideration at this time on its second reading and passage to engrossment:

C. S. S. B. No. 17, A bill to be entitled "An Act creating a Texas Coordinating Commission for State Health and Welfare Services; defining its membership, powers, and duties; and declaring an emergency."

The bill was read second time and passed to engrossment.

**Committee Substitute  
Senate Bill 17 on Third Reading**

Senator Colson moved that the Constitutional Rule and Senate Rule 32 requiring bills to be read on three several days be suspended and that C. S. S. B. No. 17 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—27

Aikin	Moore
Bradshaw	Owen
Colson	Parkhouse
Crump	Phillips
Dies	Ratliff
Fuller	Reagan
Gonzalez	Roberts
Hardeman	Rogers
Hazlewood	Secrest
Herring	Smith
Kazen	Weinert
Krueger	Willis
Lane	Wood
Martin	

Absent

Baker	Moffett
Hudson	

Absent—Excused

Fly

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—27

Aikin	Gonzalez
Bradshaw	Hazlewood
Colson	Herring
Crump	Kazen
Dies	Krueger
Fuller	Lane

Martin	Roberts
Moffett	Rogers
Moore	Secrest
Owen	Smith
Parkhouse	Weinert
Phillips	Willis
Ratliff	Wood
Reagan	

Nays—1

Hardeman

Absent

Baker	Hudson
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Absent—Excused

Fly

**House Bill 470 on Second Reading**

On motion of Senator Weinert and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

H. B. No. 470, A bill to be entitled "An Act making it unlawful, except under the provisions of this Act, for any person to hunt, take, kill, or possess any game bird or game animal in Comal County at any time; to take, kill, or trap any fur-bearing animal in said county; to take or attempt to take any fresh water fish in said county by any means or method; etc.; and declaring an emergency."

The bill was read second time.

Senator Weinert offered the following Committee Amendment to the bill:

Amend Section 16 of H. B. No. 470 so that the same shall hereafter read as follows:

"Sec. 16. This Act shall become effective on January 1, 1960, and be in force and effect until January 1, 1962."

The Committee Amendment was adopted.

On motion of Senator Weinert and by unanimous consent the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to third reading.

**Record of Vote**

Senator Hardeman asked to be re-

corded as voting "Nay" on the passage of H. B. No. 470 to third reading.

#### House Bill 470 on Third Reading

Senator Weinert moved that the Constitutional Rule and Senate Rule 32 requiring bills to be read on three several days be suspended and that H. B. No. 470 be placed on its third reading and final passage.

The motion prevailed by the following vote:

#### Yeas—29

Aikin	Moffett
Baker	Moore
Bradshaw	Owen
Colson	Parkhouse
Crump	Phillips
Dies	Ratliff
Fuller	Reagan
Gonzalez	Roberts
Hazlewood	Rogers
Herring	Secrest
Hudson	Smith
Kazen	Weinert
Krueger	Willis
Lane	Wood
Martin	

#### Nays—1

Hardeman

Absent—Excused

Fly

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

#### Yeas—28

Aikin	Moffett
Baker	Moore
Bradshaw	Owen
Colson	Parkhouse
Crump	Phillips
Dies	Ratliff
Fuller	Reagan
Gonzalez	Roberts
Hazlewood	Rogers
Herring	Secrest
Hudson	Smith
Kazen	Weinert
Krueger	Willis
Lane	Wood

#### Nays—2

Hardeman                  Martin

Absent—Excused

Fly

#### House Bill 8 on Third Reading

On motion of Senator Martin and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its third reading and final passage:

H. B. No. 8, An Act to amend Article 2618 of the Revised Civil Statutes of 1925 of the State of Texas, as amended, so as to provide for a four-year college at Tarleton State College; prescribing courses of study; providing an operative date; and declaring an emergency.

The bill was read third time and was passed.

#### Record of Votes

Senators Dies, Herring, Hardeman, Secrest, Colson, Owen, Lane, Krueger, Weinert, Crump and Bradshaw asked to be recorded as voting "Nay" on the final passage of H. B. No. 8.

#### Senate Bill 460 on First Reading

By unanimous consent the following local bill was introduced, read first time and referred to the committee indicated:

By Senator Rogers:

S. B. No. 460, A bill to be entitled "An Act conferring upon Donley County Water Control and Improvement District No. 1 the power to make a sale and conveyance of its properties; enacting other provisions related to the subject; and declaring an emergency."

To the Committee on Water and Conservation.

#### Message from the House

Hall of the House of Representatives  
Austin, Texas,  
April 20, 1959.

Hon. Ben Ramsey, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

H. B. No. 920, A bill to be entitled "An Act to authorize the creation of a Hospital District within Jefferson County including only the area comprising the Jefferson County Drainage District No. 7 and the Port Arthur Independent School District as such

boundaries existed on the 1st day of January, 1957.

Respectfully submitted,  
DOROTHY HALLMAN,  
Chief Clerk, House of Representatives

#### House Bills on First Reading

The following bills received from the House, were read the first time and referred to the committees indicated:

H. B. No. 230, To the Committee on Jurisprudence.

H. B. No. 693, To the Committee on Game and Fish.

H. B. No. 670, To the Committee on State Affairs.

H. B. No. 648, To the Committee on Game and Fish.

H. B. No. 642, To the Committee on Insurance.

H. B. No. 639, To the Committee on State Affairs.

H. B. No. 574, To the Committee on Water and Conservation.

H. B. No. 573, To the Committee on Water and Conservation.

H. B. No. 535, To the Committee on State Affairs.

H. B. No. 514, To the Committee on Education.

H. B. No. 504, To the Committee on State Affairs.

H. B. No. 497, To the Committee on Game and Fish.

H. B. No. 482, To the Committee on Game and Fish.

H. B. No. 467, To the Committee on Jurisprudence.

H. B. No. 464, To the Committee on State Affairs.

H. B. No. 463, To the Committee on State Affairs.

H. B. No. 330, To the Committee on Game and Fish.

H. B. No. 267, To the Committee on Jurisprudence.

H. B. No. 233, To the Committee on Water and Conservation.

H. B. No. 229, To the Committee on Jurisprudence.

H. B. No. 218, To the Committee on Water and Conservation.

H. B. No. 214, To the Committee on Agriculture and Livestock.

H. B. No. 473, To the Committee on State Affairs.

H. B. No. 928, To the Committee on Counties, Cities and Towns.

H. B. No. 927, To the Committee on Finance.

H. B. No. 906, To the Committee on Education.

H. B. No. 874, To the Committee on Education.

H. B. No. 868, To the Committee on Water and Conservation.

H. B. No. 861, To the Committee on Game and Fish.

H. B. No. 856, To the Committee on Transportation.

H. B. No. 852, To the Committee on State Affairs.

H. B. No. 694, To the Committee on Game and Fish.

H. B. No. 317, To the Committee on Jurisprudence.

H. B. No. 787, To the Committee on Insurance.

H. B. No. 795, To the Committee on Counties, Cities and Towns.

H. B. No. 798, To the Committee on Game and Fish.

H. B. No. 833, To the Committee on Game and Fish.

H. B. No. 834, To the Committee on Game and Fish.

H. B. No. 840, To the Committee on State Affairs.

H. B. No. 707, To the Committee on State Affairs.

H. B. No. 714, To the Committee on Counties, Cities and Towns.

H. B. No. 755, To the Committee on Water and Conservation.

H. B. No. 775, To the Committee on State Affairs.

H. B. No. 704, To the Committee on State Affairs.

H. B. No. 796, To the Committee on Insurance.

H. B. No. 809, To the Committee on Game and Fish.

H. B. No. 939, To the Committee on Game and Fish.

H. B. No. 934, To the Committee on Game and Fish.

H. B. No. 278, To the Committee on Legislative, Congressional and Judicial Districts.

H. B. No. 51, To the Committee on Education.

H. B. No. 920, To the Committee on State Affairs.

#### Reports of Standing Committee

Senator Lane by unanimous consent submitted the following reports:

Austin, Texas,  
April 20, 1959.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Jurisprudence, to whom was referred H. C. R. No. 43, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

LANE, Chairman.

Austin, Texas,  
April 20, 1959.

Hon. Ben Ramsey, President of the Senate:

Sir: We, your Committee on Jurisprudence, to whom was referred H. C. R. No. 60, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

LANE, Chairman.

Austin, Texas,  
April 20, 1959.

Hon. Ben Ramsey, President of the Senate:

Sir: We, your Committee on Jurisprudence, to whom was referred S. C. R. No. 53, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

LANE, Chairman.

Austin, Texas,  
April 20, 1959.

Hon. Ben Ramsey, President of the Senate:

Sir: We, your Committee on Jurisprudence, to whom was referred S. C. R. No. 52, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

LANE, Chairman.

Austin, Texas,  
April 20, 1959.

Hon. Ben Ramsey, President of the Senate:

Sir: We, your Committee on Jurisprudence, to whom was referred S. C. R. No. 54, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

LANE, Chairman.

#### Adjournment

On motion of Senator Kazen the Senate at 5:37 o'clock p.m. adjourned until 10:30 o'clock a.m. tomorrow.



**In Memory of**  
**Ricardo M. Villarreal**

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Senator Kazen offered the following resolution:

(Senate Resolution 380)

Whereas, The passing of First Lieutenant Ricardo M. Villarreal, United States Air Force, on September 2, 1958, while in the service of his country has caused much grief and sorrow to his father, Juan G. Villarreal and his widow, Laurentina Villarreal, his brothers and sisters and other relatives and friends in the City of Laredo, and throughout the State of Texas; and

Whereas, First Lieutenant Ricardo M. Villarreal was a prominent young man in his community and an outstanding young citizen of the State of Texas, with a fine record at Martin High School in Laredo, Texas and at the University of Texas, and also as an employee of the Senate of the State of Texas, as well as a gallant soldier who lost his life while performing his duties as a navigator aboard a United States Air Force transport plane, which was shot down and burned over Soviet Armenia on September 2, 1958; and

Whereas, First Lieutenant Ricardo M. Villarreal, along with sixteen fellow crew members, lost his life as a result of an unprovoked attack by Soviet Russian fighter planes made on his plane while on a routine, peaceful mission; now, therefore, be it

Resolved, That the passing of this outstanding young man be fittingly recognized by the citizens of the State of Texas, and the Senate of Texas desires to pay tribute to this young man and soldier. It is further resolved that copies of this resolution be sent to the bereaved mourners of First Lieutenant Ricardo M. Villarreal named hereinabove, and that a page in the Senate Journal be set aside in dedication, and that when the Senate adjourns this day it does so in profound respect and memory to First Lieutenant Ricardo M. Villarreal.

**KAZEN**

Signed—Ben Ramsey, Lieutenant Governor; Aikin, Baker, Bradshaw, Colson, Crump, Dies, Fly, Fuller, Gonzalez, Hardeman, Hazlewood, Herring, Hudson, Krueger, Lane, Martin, Moffett, Moore, Owen, Parkhouse, Phillips, Ratliff, Reagan, Roberts, Rogers, Secrest, Smith, Weinert, Willis, Wood.

The resolution was read.

On motion of Senator Hardeman and by unanimous consent the names of the Lieutenant Governor and the Senators were added to the resolution as signers thereof.

The resolution was adopted by a rising vote of the Senate.